

LAWS and ACTS
OF THE FIRST
PARLIAMENT.
Of our most High and Dread SOVERAIGN,
CHARLES
THE SECOND.

By the Grace of God, King of Scotland, England,
France and Ireland, Defender of the Faith.

Holden at *Edinburgh* the First of *January*, 1661.

By a Noble Lord, John Earl of Middleton, Lord
Cleremont and Fettercairn; His MAJESTIES
Commissioner for bolding of this Parliament;
by vertue of a COMMISSION under His
MAJESTIES Great Seal of this Kingdom:

With the special Advice and Consent of the Estates
of Parliament.

Extracted and Collected from the Records of Parliament,
by Sir ARCHIBALD PRIMEROSE of *Chester*,
Knight and Barronet, Clerk to His MAJESTIES
Council, Register and Rolls.

EDINBURGH,
Re-printed by Andrew Anderson, Printer to the King's most
Excellent Majesty, Anno Dom. 1673.

CUM PRIVILEGIO.

best
122
661.11

Wing 5 1271+

CHIEF



JAN 6 1925

Re-print of the original document
from the original document
from the original document



The *LAWS* and *ACTS* made in the first
 PARLIAMENT of our most High and Dread
 Sovereign, *CHARLES* the Second, by the
 Grace of *G O D*, King of Scotland, England,
 France and Ireland, Defender of the Faith.

Begun at Edinburgh, the first day of January, 1661.

I.
*ACT concerning the President and Oath of
 Parliament.*



Orasmuch as it hath pleased Almighty *G O D*, to compassionat the troubles and confusions of this Kingdom, by returning the Kings most excellent *Majesty* to the exercise of that Royal Government, under which, and its excellent constitution, this Kingdom hath for many ages enjoyed so much happiness, peace and plenty. And it being upon good and important considerations, an inviolable practice in this Government before

these troubles, that the person nominate by His *Majesty*, to be His Chancellor within this Kingdom, did of right, and as due to his place, preside in all meetings of Parliament and other publick Judicatories of the Kingdom, where he was present for the time. And His *Majesty* now considering the great advantages, do accress to the publick good of His Subjects, by the due observance of such ancient and well grounded Customs and

Constitutions, and the prejudices that do accompany a change thereof Therefore His Majesty, with advice and consent of His Estates of Parliament, doth Declare, That the present Lord Chancellor, and such as hereafter shall be nominate by His Majesty, or His Royal Successors, to succeed in that place; and in case of their absence, such as shall be nominate by His Majesty, are by vertue and right of the said office and such nomination *respectively*, to preside in all meetings of His Majesties Parliaments or other publick Judicatories of the Kingdom, where they shall happen to be present, and that they are now and in all time coming to enjoy this priviledge. And in discharge of this trust, they are at the first down-sitting of every Parliament, to administer to all the Members thereof the Oath of Alleagiance, whereof the tenor follows;

I, for testification of my faithfull obedience to my most gracious and redoubted Sovereign, Charles, King of Great Brittain, France and Ireland, Defender of the Faith, &c. Affirm, testifie and declare, by this my solemn Oath, That I acknowledge my said Sovereign only Supream Governour of this Kingdom, over all Persons and in all Causes; and that no Forraign Prince, Power or State, nor person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Jurisdctions, Powers and Authorities; and shall at my utmost power, defend, assist and maintain His Majesties Jurisdiction foresaid against all deadly, and never decline His Majesties Power nor Jurisdiction, as I shall answer to G O D. With this addition, And I shall faithfully give my Advice and Vote in every thing shall be propounded in Parliaments, as I shall answer to G O D.

Likeas His Majesty, with advice foresaid, doth hereby Rescind and Annul all Acts, Statutes or Practices, as to the President or Oath of Parliament, which are prejudicial unto, or inconsistent with, this present Act, and Declare the same to be void and null in all time coming.

II.

Act and Acknowledgement of His Majesties Prerogative, in the choice of His Officers of State, Councillors and Judges.



He Estates of Parliament considering the great obligations that do ly upon them from the Law of G O D, the Laws of Nations, the municipal Laws of the Land, and their Oaths of Alleagiance, to maintain and defend the Sovereign Power and Authority of the Kings Majesty, and the sad consequences that do accompany any incroachments upon, or diminutions thereof: Do therefore from their sense of humble duty, Declare, That it is an inherent priviledge of the Crown, and an undoubted part of the Royal Prerogative of the Kings of this Kingdom, to have the sole choice and appointment of the Officers of Estate, and Privy Councillors,

lors, and the nomination of the Lords of Session as in former times, preceeding the year, 1637. And that the Kings Sacred *Majesty* and His Heirs and Successors, are for ever, by vertue of that Royal Power which they hold from G O D Almighty over this Kingdom, to injoy and have the full exercise of that Right. And therefore, the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Acts, Statutes or Practices to the contrair, and Declare them to have been undutifull and disloyal invasions upon the Royal Prerogative, and to be void and null in alltime coming.

III.

*Act asserting His Majesties Royal Prerogative,
in the calling and dissolving of Parliaments,
and making of Laws.*



He Estates of Parliament now convened, by His *Majesties* special Authority, considering that the Quietness, Stability and Happines of the people, do depend upon the Safery of the Kings *Majesties* Sacred Person, and the maintenance of His Sovereign Authority, Princely Power, and Prerogative Royal. And concerning themselves obliged in conscience, and in discharge of their duties to Almighty GOD, to the Kings *Majesty*, and to their Native Country, to make a due acknowledgement thereof at this time; Do therefore unanimously Declare, That they will with their lives and fortunes maintain and defend the same. And they do hereby acknowledge, that the power of Calling, Holding, Proroguing and Dissolving of Parliaments, and all Conventions and Meetings of the Estates, doth solely reside in the Kings *Majesty*, His Heirs and Successors. And that as on Parliament can be lawfully kept without the special warrand and presence of the Kings *Majesty*, or His Commissioner; so no Acts, Sentences or Statutes, to be past in any Parliament, can be binding upon the people, or have the Authority and force of Laws, without the special Authority and Approbation of the Kings *Majesty* or His Commissioner, interponed thereto, at the making thereof. And therefore the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Laws, Acts, Statutes or Practices that have been, or upon any pretext whatsoever, may be, or seem contrair to, or inconsistent with, His *Majesties* just Power and Prerogative above-mentioned, and Declares the same to have been unlawfull, and to be void and null in all time coming. And to the end, that this Act and Acknowledgement, which the Estates of Parliament, from the sense of their humble duty and certain knowledge have hereby made, may receive the more exact obedience in time coming, It is by His *Majesty*, with advice foresaid, Statute and Ordained, that the punctual observance thereof, be specially regarded

regarded by all His *Majesties* Subjects, and that none of them upon any pretext whatsoever, offer to call in question, impugne, or do any deed to the contrair hereof, under the pain of Treason.

IIII.

Act asserting His Majesties Royal Prerogative, in the making of Leagues and the conven- tions of the Subjects.



He Estates of Parliament, considering that the maintenance of His *Majesties* Authority and Royall Prerogative, in and concerning the making of Leagues and the conventions of the Subjects, is not only a necessary duty of the people, but of singular advantage to their happiness and peace: And that their Predecessors wisely foreseeing the good and benefit thereof, and the prejudices and miseries that inevitably did accompany the neglect of the same, did therefore by many several Acts and Laws, assert the Kings Prerogative and Authority therein, and particularly by the hundred and thirty one Act of the eight Parliament of King *James* the sixth, it is Statute and Ordained, That none of His Highness Subjects of whatsoever quality, state or function, presume to convocat, convene or assemble themselves for holding of Councils, Conventions, or Assemblies, to treat, consult and determine in any matter of State, Civil or Ecclesiastick (except in the ordinary Judgements) without His *Majesties* special command, or expresse licence, had and obtained thereto, under the pains made against such as unlawfully convocats the Kings Leiges: And by the twelfth Act of the tenth Parliament, holden the tenth of *December*, one thousand five hundred and eighty five, It is by His *Majesty*, with advice of His three Estates, Statute and Ordained, that no Leagues nor Bonds be made among His Subjects of any degree, upon whatsoever colour or pretence, without His Highness or His Successors privitie and consent, had and obtained thereunto, under the pain to be holden and execute as movers of Sedition to the breach of the Peace. And now finding that the due observance of these Laws might have contribute much to the preventing of these confusions and troubles, which in these late times have almost ruined both the Kings *Majesty* and all His loyal Subjects: Therefore His *Majesty*, with advice and consent of His Estates of Parliament, doth revive, renew, ratifie and approve these Acts above-mentioned, and Ordain the same to be punctually obeyed in all time coming, conform to the tenor thereof, and under the pains therein contained. And Declares, that any explanation or glosse, that during these late troubles hath been put upon these Acts, as that they are not to be extended against any Leagues, Councils, Conventions, Assemblies or Meetings, made, holden or kept by the Subjects for preservation of the Kings *Majesty*, the Religion,
Laws

ACT 5. King CHARLES the II. 1661. 7

Laws and Liberties of the Kingdom, or for the publick good either of Kirk or Kingdom, are false and disloyal, and contrair to the true and genuine meaning of these Acts: and therefore His Majesty, with advice foresaid, doth Discharge, and for ever Annull the same, and all Acts and Practices that have been in pursuance thereof.

V.

Act asserting His Majesties Royal Prerogative in the Militia, and in making Peace and War, &c.

THe Estates of Parliament, considering the great happinels that this Kingdom hath for many ages enjoyed, under the princely Government of their Royal Kings; who by the special blessing of Almighty GOD, have reigned over them, in so long and an unparallel'd series of Royal descents; and the obligation thereby lying upon them, in conscience, honour and gratitude, to owne and assert the Royal Prerogatives of the Imperial Crown of this Kingdom, which the Kings Majesty holds from GOD Almighty alone. And to vindicat the same from the se invasions, which by the malice or specious pretexts of ill affected persons, and the confusions and disorders of the late times, have been made upon it, Do therefore Declare, That the power of Armes and making of Peace and War, or Treaties and Leagues with Forraign Princes or Estates, doth properly reside in the Kings Majesty, His Heirs and Successors, and that it was and is their undoubted Right, and theirs alone, to have the power of raising in Armes, the Subjects of this Kingdom, and of the commanding, ordering and disbanding, or otherwise disposing thereof, and of all Strengths, Forts or Garrisons within the same, as they shall think fit; the Subjects alwayes being free of the Provisions and Maintenance of these Forts and Armies, unless the same be concluded in Parliament or Convention of Estates. Likeas the Kings Majesty, with advice and consent foresaid, doth hereby Declare, That it is, and shall be high Treason to the Subjects of this Kingdom, or any number of them, more or less, upon any ground or pretext whatsoever, to rise or continue in Armes, to maintain any Forts, Strengths or Garrisons, to make Peace or War, or to make any Treaties or Leagues with Forraign Princes or Estates, or among themselves, without His Majesties Special Authority and Approbation first interponed thereto; And doth discharge all His Majesties Subjects to offer upon any pretext whatsoever, to attempt the doing of any of these things hereafter, under the said pain of Treason. And in further detestation of such unlawfull and unwarrantable practices, the Kings Majesty, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Acts, Statutes, Ordinances or Deeds, past or done in any Parliaments, Conventions, or other Meetings whatsoever, or any otherwise, in so far as they are, or may be contrair to, or inconsistent

consistent with, this present Act; and Declares the same (dispensing with the generality, and holding all the particulars as *verbatim* herein inserted) to be void and of no force nor effect in time coming.

V I.

*Act annulling the pretended Convention of Estates,
kept in the year, 1643.*



Orasmuch as the power of calling of Parliaments, or Conventions of the Estates of this Kingdom, hath alwayes been, and is an undoubted priviledge of the Crown, and doth solely reside in the Kings Majesty: And that notwithstanding thereof (among the many other invasions, which during these late times, have been made upon the Royal Prerogative) a pretended Meeting and Convention of the Estates was called and kept at *Edinburgh*, in *June*, one thousand six hundred fourty three, without any warrand from the Kings Majesty: And the Estates of Parliament now convened by His Majesties special Authority, having taken into their consideration the indication, reasons and grounds of the calling of the said Convention, do find that the said pretended Convention of Estates, notwithstanding of all the specious pretexts made for the same, did meet, and convene, without any lawfull warrand or Authority; And therefore the Kings Majesty, with advice and consent of His Estates of Parliament, doth Declare the same, with all that was done therein, void and null, and Rescinds and Annuls all Acts or Deeds whatsoever, ratifying and approving the same.

V I I.

*Act concerning the League and Covenant, and dis-
charging the renewing thereof without His
Majesties warrand and approbation.*




Orasmuch as the power of Armes, and entering into, and making of Leagues and Bonds, is an undoubted priviledge of the Crown, and a proper part of the Royal Prerogative of the Kings of this Kingdom, and that in recognisance of His Majesties just Right, the Estates of Parliament of this His most ancient Kingdom of *Scotland*, have Declared it high Treason to the Subjects thereof, of whatsoever number, less or more, upon any pretext whatsoever, to rise, or continue in Armes, or to enter into Leagues and Bonds, with Forraigners, or among themselves, without His

ACT 8. King CHARLES the II. 1661. 9

His *Majesties* special Warrant and Approbation, had and obtained thereto, and have Rescinded and Annulled all Acts of Parliament, Conventions of Estates, or other Deeds whatsoever, contrary to, or inconsistent with, the same. And whereas during these troubles, there have occurred diverse things, in the making and pursuance of Leagues and Bonds, which may be occasion of jealousie in and betwixt His *Majesties* Dominions of *Scotland*, *England* and *Ireland*, Therefore, and for preventing of all scruples, mistakes or jealousies that may hereafter arise upon these grounds, The King's *Majesty*, with advice and consent of His Estates of Parliament, Doth hereby Declare, That there is no Obligation upon this Kingdom by Covenant, Treaties or otherwise, to endeavour by Armes a Reformation of Religion in the Kingdom of *England*, or to meddle with the publick Government and Administration of that Kingdom. And the King's *Majesty*, with advice and consent foresaid, doth declare, That the League and Covenant, and all Treaties following thereupon, and Acts, or Deeds that do or may relate thereto, are not obligatory, nor do infer any obligation upon this Kingdom, or the Subjects thereof, to meddle or interpose by Armes, or any seditious way in any thing concerning the Religion and Government of the Churches of *England* and *Ireland*, or in what may concern the Administration of His *Majesties* Government there. And further, His *Majesty*, with advice and consent of His Estates, doth hereby Discharge and Inhibite all His *Majesties* Subjects within this Kingdom, that none of them presume upon any pretext of any Authority whatsoever, to require the renewing or swearing of the said League and Covenant, or of any other Covenants, or publick Oaths concerning the Government of the Church, or Kingdom, without His *Majesties* special Warrant and Approbation, And that none of His *Majesties* Subjects offer to renew and swear the same, without his *Majesties* Warrant, as said is, as they will be answerable at their highest peril.

VIII.

Act against Papists, Priests, and Jesuits.

 Ur Sovereign Lord considering that the publick contempt of, and disobedience to, lawfull Authority, (though covered with the most specious pretexts) is alwayes accompanied with great confusions and provocations, to the dishonour of GOD, and ruine of the People; And that thereby occasion is offered to wicked and ill affected persons, of all sorts, upon one pretence or other, to subvert Religion, and pervert the Duty and Allegiance of the Subjects; Whereof there be too sad evidence, by the increase of Popery, and the number of Jesuits, Priests, and Papists; which have of late, and do now abound in this Kingdom, in far greater numbers then ever they did under the Government of His *Majesties* Royal Father and Grand-Father, of blessed memory.

B

And

And His *Majesty*, being desirous to trace these His Royal Ancestors, in a due and vigorous prosecution of these many excellent Laws made by them, against the Saying of Mefs, and the stay and resset of Jesuits, Seminary and Mefs Priests, and Trafficking Papists, within this Kingdom: Doth therefore, with advice and consent of His Estates of Parliament, command and charge all, and sundry Jesuits, Priests and Trafficking Papists, that none of them presume hereafter to Say Mefs within this Kingdom; And that within a moneth after the publication hereof, they remove forth of the Kingdom, under the pain of death: And sicklike, His *Majesty*, with advice and consent foresaid, doth command, charge, and inhibite all His *Majesties* Subjects, of what quality or degree soever, that none of them presume to hear Mefs, resset, supply, entertain, furnish meat or drink, nor keep intelligence nor correspondence with any Priests, Jesuits or Trafficking Papists, under the pains contained in the Laws and Acts of Parliament made in that behalf. And to the end that this Act may receive the more exact obedience and prosecution, His *Majesty*, with advice and consent foresaid, doth hereby command all Sheriffs of Shires and their Deputes, all Magistrates of Burghs, and other publick Ministers of the Laws, to make exact enquiry and search in their several bounds and jurisdictions, and to apprehend all such Jesuits, Priests and Trafficking Papists, as they shall finde within the same, after the last day of *March* next to come; and to commit them to the next sure Prison, there to remain till they receive due punishment, according to the Laws: And also, that with all possible diligence, they send in to the Parliament, or in case of their not Sitting, to His *Majesties* Privy-Council, the List of such persons within their bounds, as are known, or suspected to be Papists; that course may be taken with them, conform to the Laws of the Kingdom: And hereof, the Sheriffs and Magistrates, and their Deputes are to take special notice, as they will be answerable at their highest peril: Likeas, His *Majesty* considering how dangerous it is that Children be educat by persons popishly affected, do therefore, conform to former Acts of Parliament, appoint that children under popish Parents, Tutors or Curators shall be taken from them, and committed to the education of some well affected and religious friend, at the sight and by order of His *Majesties* Privy-Council: And Ordains publication hereof to be made at the Mercat Crofs of *Edinburgh*, and other places needful.

I X.

An Act approving the Engagement, 1648. and annulling the pretended Parliaments and Committees kept thereafter.



Orasmuch as in the year one thousand six hundred forty and eight, the Estates of Parliament of this Kingdom, and his *Majesties* good Subjects therein, from the sense of their duty to Almighty GOD and the King's *Majesty*, did chearfully undertake and concur in an Engagement, for relief of His late *Majesty* of glorious memory, from His imprisonment, and for His restitution to the Royal Government of His Kingdom. And the Estates of Parliament, now convened by His *Majesties* special Authority, taking that Engagement to their consideration, do find it to have been an Honourable, Just, Necessary and Seasonable Discharge of that indispensible Duty, whereunto this Kingdom, and the Subjects thereof, are by the Law of GOD, by the Law of Nature and Nations, by the municipal Laws of the Land, by their Allegiance, and by all the strictest bonds of Conscience and Honour, obliged to the most Sacred Person, and Royal Authority of their King's *Majesty*. And therefore, Our Sovereign Lord, with advice and consent of His Estates of Parliament, doth Ratifie and approve that Engagement for His *Majesties* relief and restitution to His Royal Government. And doth Declare, that as it was a most noble and pious Testimony of the Loyalty of His *Majesties* good Subjects of His ancient Kingdom, and of their affection and zeal to His *Majesties* Person and Government: So His *Majesty*, for Himself and His Successors, doth assure, that They will alwayes retain a grateful resentment thereof; And have appointed these presents to remain upon Record, for the due honour of these Persons who did engage therein, and of their posterity for ever.

And whereas the necessity and justice of this undertaking, with the interest this Kingdom had in His *Majesties* Person, by the honour of His Royal Birth, and by these many and singular Acts of Grace He had lately conferred upon it, might justly have claimed a ready concurrence of all the Subjects; Yet there wanted not some, and even such, whom not long before, His *Majesty* had obliged by marks of His Royal Favour both of honour and profit, who made it their work to disappoint and oppose the same: And for that end, having gathered some mutinous Commons and others, who by a few seditious Ministers, had been preached into an open Rebellion, they in the moneth of *September* one thousand six hundred forty and eight years, without any lawful Authority, (and not giving the Oath mentioned in the Commission of Parliament: without which, it was expressly provided, they

were not to have access to, nor place in, the Committee) did usurpe to themselves the name and power of a Committee of Estates; and having by their own Edicts, declared all such persons as had given testimony of their duty and loyalty to the King, to be incapable of being Members of Parliament, or of having voice in the Elections to the Parliaments. They then, without any lawful Authority, called a Packt meeting of Parliament, to consist only of persons of their own stamp and faction, who accordingly met in *January*, one thousand six hundred fourty and nine years: and assuming to themselves the Sovereign Authority and Government of the Kingdom, intended to establish and fix the power in their own persons forever. For which purpose, having publickly declared against that necessary and just Engagement, for His *Majesties* relief and restitution to His Royal Government: Having approven all the oppositions, and rising in Armes against the same, and by Oath solemnly engaged themselves to a constant adherence thereunto: Having for their assistance called in the Usurper *Cromwel*, and a part of his Army: Having by publick engagement, given up the Honour and Safety of this ancient Kingdom to the *English*; and declared, that His *Majesty* should be obliged to Ratifie that unworthy Act, before any Treary were with Him for His relief: Having given order to their Commissioners, to Protest against any agreement betwixt His *Majesty* and His Subjects in *England*, in the Treaty at the *Isle of Wight*: Having, so far as in them lay, weakened and dissolved the common Allegiance of the Subjects to the King's *Majesty*, by proclaiming His Right to the Crown, with base restrictions and limitations, and pressing the Subjects against their consciences, to subscribe the same: Having disowned His *Majesties* interest in the Quarrel betwixt them and the *English*, who had invaded this Kingdom, meerly to destroy His *Majesties* interest in it: Having taken the lives of some, and forced others of His *Majesties* good Subjects, of best quality, to flie to Forraign parts for their safety: Having fined, confined, imprisoned and seized upon the livelyhood of many: Having put disgracefull characters and incapacities upon all who had witnessed any affection to His *Majesties* Government: Having unjustly pronounced, and with cruelty executed Sentences of Forfeiture against the lives and fortunes of such as from conscience of their duties, did oppose them: Having in their publick Meetings, appointed, that the innocent wives and children of these, who offered to vindicate His *Majesties* Authority, should be seized on, and transported to Forraign Countries: Having once and again sollicite their Brethren in *England*, that such of this Kingdom, as (for venturing their lives for the King) were then prisoners in *England*, should be still kept prisoners, as Pledges of the Peace: Having thrust out of the Offices of State, places of Judicatory and publick Trust, all such as were willing to engage for His *Majesties* relief and restitution to His Government, and put such in their places, as did oppose the same: Having laid on, and raised, great exactions and sums of money from the people, and employed them for their own uses: Having seized on His *Majesties* Revenews, and bestowed them upon themselves, and such others as were
in

ACT 9. King CHARLES the II. 1661. 13

in open Opposition and Arms against Him ? Having also seized upon the Properties and due Rights of the Subjects, and the Patronages by Law secured unto them : And having, by these and many such like Acts, endeavoured to perpetuate themselves in their usurped Power, they prorogated the Meetings of their pretended Parliaments from time to time, substituting some of their Trustees, for carrying on of their designs in the while. And the Estates of Parliament, having taken these proceedings unto their serious consideration, Do find, that there was no Law, nor lawful Authority for the Meetings of these pretended Parliaments and Committees of Estates; But that the persons, meeting therein, did without any lawfull warrand, and in contempt of His *Majesties* Authority, usurpe the power to themselves.

And therefore, the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth Rescind and Annull these pretended Meetings of Parliament, and Committees above mentioned, and all other Meetings of any pretended Parliaments or Committees flowing from the same, and all Acts, Deeds and Treaties, done by them or their warrand: Excepting alwayes all such Acts as were past in any Meeting of Parliament, or Committee of Estates, authorized by his *Majesties* presence, and are not inconsistent with this present Act. And also Declares any Ratification, which thereafter was past, of those Meetings and Acts, to have been void from the beginning: Except in so far as is exprest in the Indempnity, Declarations and Provisions after mentioned. Yet, notwithstanding of all these provocations, the Kings *Majesty*, from His innate goodness, being more desirous to reclaim His Subjects to their duty by Acts of Mercy, then to reduce them by their too much deserved Censure, Doth, of His meer favour and grace, with advice and consent foresaid, Indempnifie all such persons, who sat and acted in these pretended Parliaments and Committees, or who acted in order thereunto, or by vertue of, and in obedience to, the same, To be in all time coming, unquestioned in their lives and fortunes, for these their actings; Excepting such as shal be excepted in a general Act of Indempnity, to be past by His *Majesty* in this Parliament.

And forasmuch as the Ordinar Courts of Justice, did sit and act by Warrant of these Meetings, the Kings *Majesty*, for the good and ease of the people, doth with advice foresaid, Declare, That none of the Acts, Decrets or Sentences, given by these who sat as Lords of Session, or as inferiour Judges within this Kingdom these years, nor no Execution following thereupon, are for want of lawful Authority to be questioned: Whereanent, His *Majesty*, with advice foresaid, by these presents dispenses. And also, His *Majesty*, considering that by a pretended Act and Commission from the said pretended Meetings or Parliaments, Augmentations were granted to Ministers, Kirks were divided, new Kirks were erected, and Lands from one Paroch to another, dis-joyned and annexed; and divers other particulars decerned, in relation to the Plantation of Kirks: which Commissions, one or more, though they had no lawful Authority, but in themselves were and are null; Yet His *Majesty*, being desirous to give all due encourage-
ments

ments to the Ministers of the Gospel, doth, with advice and consent foresaid, Declare, That all Acts, Decrees and Sentences, pronounced and given forth by the saids Commissioners, and all Executions thereupon, are and shall stand valid in time coming, except such as upon the complaint of any party, shall be found to have been unjustly or exorbitantly pronounced and decerned. The determination whereof, is hereby referred by His *Majesty*, with advice and consent foresaid, to the Commission for Plantation of Kirks, to be established by His *Majesty* in this present Parliament; that they after hearing of parties, and consideration of particulars, may take such course for altering, annulling or allowing of what was done by vertue of the saids Commissions in the years, one thousand six hundred and fourty nine, and one thousand six hundred and fifty, as they shall think just, conform to the standing Laws and Acts of Parliament, preceeding the year one thousand six hundred and fourty nine; and Ordains process upon supplication to be summarly granted, parties alwayes being cited, and that without any reduction. As also, with power to the saids Commissioners to be appointed, upon the dependence of the saids complaints and process, to discharge execution upon the foresaids Decrees in whole or in part, as they shall find just, ay and while the matter may be determined by them. And forasmuch as by a pretended Commission for the Exchequer, divers Infeftments, Gifts and others, were past in the foresaids years, one thousand six hundred and fourty nine, and one thousand six hundred and fifty; His *Majesty*, with advice foresaid, Declares, That all such Gifts, Infeftments and others, are and shall be valid, excepting alwayes new Gifts and Dispositions of Lands and others, granted and past to His Highness prejudice; and such other Gifts as upon the complaints of parties, shall by His *Majesties* Treasurer and Commissioners of Exchequer, be found to have been unjustly granted or past, in prejudice of prior Gifts under His *Majesties* Hand, though not past in Exchequer. And whereas by a pretended Act of the foresaid pretended Parliament, entituled, *Act abolishing the Patronages of Kirks*, all Patronages and Presentations of Kirks, whether belonging to the King or any Laik Patron, Presbyteries or others, were discharged, and all Acts, Gifts and Rights, granted thereanent, Rescinded. And yet nevertheless, it was thereby declared, That the taking away of the Patronages, should not prejudice the Patrons Rights to the Teinds, nor weaken his Infeftment wherein the same is contained. And that the Teiches of the Kirks, whereof the Presentations were abolished, should belong heretofore to the Patrons, and be inserted in their Rights and Infeftments in place of their Patronage, with power to the Patrone to dispone upon the said Teinds, in manner and with the exception contained in the said Act. And notwithstanding that the foresaid Act and whole Parliament be declared null; yet nevertheless, His *Majesty*, with advice foresaid, doth by these presents Declare, That it shall be lawful to Laik Patrons or Heretors, to agree with the beneficed persons for Tacks or Rights of Teinds, belonging to the said beneficed person, according to the Laws of the Kingdom; with this provision, that the saids Tacks, shall be no ways prejudicial to the Stipend and Maintenance

ACT 10. *King CHARLES the II.* 1661. 15

Maintenance of the Ministers and persons to be presented, according as the same hath been already modified, or shall be modified in time coming; and that notwithstanding of any Acts or Statutes made in the contrair. All which Acts, His Majesty, with consent foresaid, by these presents Discharges; And in like manner, His Majesty, with advice foresaid, Declares, That as to such persons who are presently in possession of Kirks, pertaining to the saids Laick Patronages, the saids persons and Ministers shall, during their service, claime no right nor possession to the Teinds of their saids Kirks and Párochins, other then they had formerly before the making of this Act; they having alwayes a sufficient maintenance allowed and granted to them, according to the Laws of the Kingdom.

X.

Act condemning the Transactions concerning the Kings Majesty, whilst He was at Newcastle, in the years, 1646. and 1647.

THe Estates of Parliament, considering the many sad and dangerous consequences that do accompany the neglect and contempt of lawful Authority; and that among the other Judgements, wherewith it pleaseth Almighty GOD to visit such who resist the Powers, and oppose the Command of those intrusted by Him, as His *Viceregents*, for the Government of His People, they are oftentimes left to their own counsels, to do that which highly provokes GOD to wrath, renders themselves justly odious to the world, and hateful to their posterity. Whereof there is too doolful an experiment in an Act of the printed Records of Parliament, of the sixteenth of *January*, one thousand six hundred and fourty seven, entituled, *Declaration of the Kingdom of Scotland, concerning the Kings Majesties Person*. Which being now taken into consideration, The Estates of Parliament do find and Declare, That it was carried on, and concluded by a prevalent party, against the judgement of many of His Majesties Loyal Subjects; And that it is a most sinful, disloyal, and unworthy Act, contrary to the will and commandment of GOD; contrary to all Laws, Divine and Humane; contrary to the Duty and Allegiance of Subjects; contrary to all the rules of Justice, Honour, Gratitude and Humanity; and highly reflecting on the honour of this ancient Kingdom, and the reputation of His Majesties good Subjects therein. And therefore, the Kings Majesty, with advice and consent of His Estates of Parliament, doth hereby Annul and Condemn the same for ever: And Ordains it to be expunged out of all Records, and never to be remembred again, but with due abhorrence and detestation.


And the Estates of Parliament, conceiving themselves obliged in conscience, to make the truth of this business, and the manner of the carrying

carrying of it, known to the World, for the just vindication of this Kingdom, and His *Majesties* dutifull and loyal Subjects, who otherwise may seem to be comprehended and concluded in it. They do therefore, from their certain knowledge, Declare, That even in that Parliament (from which many of His *Majesties* good Subjects were debarred, for their affection and adherence to His *Majesties* Service and Commands) there was a considerable number of worthy Patriots, of all Estates, who, at the passing of that base Act, gave a publick testimony and dissent from it, which is here Recorded for their due honour, and for which, their memory will in all ages receive a famous celebration. And that there were divers others, who, upon the pretexts of Reformation and assurances of the Safety of His *Majesties* Person, being inveigled, were in the simplicity of their hearts drawn along for the time: But shortly thereafter, being convinced of their error, did imbrace the first opportunity to expiate the same, by freely hazarding their lives and fortunes in the year one thousand six hundred and forty eight, to redeem His *Majesty* from these restraints and dangers, which by that impious Act He was driven into. And therefore, His *Majesty*, with advice and consent foresaid, doth Declare, That the Act of Parliament foresaid, of the sixteenth of *January*, one thousand six hundred and forty seven, is not to be lookt upon as the Deed of the Kingdom, but as the Act of a few disloyal and seditious persons, who, having upon specious, but false pretences, screwed themselves into the Government, did by force of Armes, keep the same, and from the conscience of their own guiltiness, being afraid of the justice of His *Majesties* Government, did violently carry on that Act. And in further owning thereof, did, in the said year, one thousand six hundred and forty eight, rise in Arms, in opposition to those who endeavoured to restore His *Majesty* to His Government, and to relieve Him from the imprisonment and hazard He was then lying under, as the natural effects of that unworthy transaction, so justly hereby condemned.

And for the further clearing of the sense of this Kingdom, as to that base and treacherous Act, and the aspersions, which have been thereupon raised, as if there had been previous Transactions and Bargains of Money for carrying on the same, The Estates of Parliament Declare, They do abominat the very thought of any such thing, and that if at any time hereafter, there shall be discovery of any such wickedness (which they are confident G O D Almighty will in His Justice bring to light, (if it be true) and wherein they earnestly intreat the concurrence of all His *Majesties* dutifull and loyal Subjects) The persons guilty thereof, shall without mercy be pursued as the vildest of Traitors, and shall be incapable of the benefit of any Act of Pardon, Oblivion, or Indempnity for ever.

X I.

Act for taking of the Oath of Alleagiance, and asserting the Royal Prerogative.

 Ur Sovereign Lord, being truly sensible of the many sufferings and sad confusions, that His dutifull and loyal Subjects have been brought under, during these troubles; and desirous, that His Royal Government, in its due administration, may be refreshing and comfortable unto them; And conceiving it necessary for that end, and for the honour and advancement of His own Service, the welfare and happiness of His Subjects, and the peace and quiet of this Kingdom, That the places of publick Trust (which be the Channels and Conduits by which His *Majesties* Government is conveyed unto His people) be supplied and exercised by persons of known integrity, abilities and loyalty. Do therefore Declare, That it is, and will be, His *Majesties* Royal care, that those whom (according to the undoubted Right of the Crown) He hath, or shall think fit to call to His Councils, or any publick employments, shall be so qualified; And that for the full satisfaction of all His good Subjects, and for removing any scruples or jealousies, can arise upon this account, they shall before their admittance to, or exercise of, any such Trust, give such publick testimony of their Duty and Loyalty; as may evidence to the World, they are such as the Kingdom and all honest men and good Subjects, may justly confide in. And therefore the Kings *Majesty*, with advice and consent of His Estates of Parliament, Doth Statute and Ordain, That all and whatsoever person, or persons, who are, or shall be, nominat by His *Majesty*, to be His Officers of State, of His Privy-Council, Session, or Exchequer, Justice General, Admiral, Sheriffs, Commissars, and their Deputes, and Clerks, and all Magistrates and Council of Royal Burghs, at their admission to their several Offices, and before they offer to exercise the same, shall take and swear the Oath of Alleagiance, hereunto subjoynd. And also, that all other persons who shall be required by His *Majesties* Privy-Council, or any having Authority from them, shall be obliged to take and swear the same.

And since all the troubles and miseries that have overspread this Kingdom, and almost destroyed all religious and civil, all publick and private interests, these twenty years by-gone and upwards, have arisen and sprung up from these invasions, that have been made upon, and attempts done to, the Royal Authority and Prerogative of the Crown, His *Majesty* conceives Himself obliged, both for His own Royal interest, and for the publick interest and peace of His People, to be carefull to prevent the like for the future. And therefore, His *Majesty*, with advice foresaid, Statutes and Ordains, that all persons, who are, or shall be

called to any publick Trust, as said is, shall, beside the taking of the Oath of Alleagiance, be obliged before they enter to their Offices and Trusts, to assest under their hand writing, His Majesties Royal Prerogative, as is exprest in the Acts past in this present Parliament, and in the manner hereunto subjoynd: Certifying all such, as, being required, shall refuse or delay to take the Oath of Alleagiance, they shall not only thereby render themselves incapable of any publick Trust, but be lookt upon as persons disaffected to His Majesties Authority and Government; and such as shall refuse, or delay to assest His Majesties Prerogative in manner under-written, shall from thenceforth be incapable of any publick Trust within this Kingdom.

Follows the Oath of Alleagiance.



For testification of my faithfull obedience to my most Gracious and redoubted Sovereign, CHARLES, King of Great Brittain, France and Ireland, Defender of the Faith, &c. I swear, testifie and declare, by this my solemn Oath, That I acknowledge my said Sovereign only Supream Governour of this Kingdom, over all Persons and in all Causes; And that no Forreign Prince, Power, State or Person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forreign Power, Jurisdictions and Authorities; and shall as my utmost power, defend, assist and maintain His Majesties Jurisdiction foresaid, against all deadly, and shall never decline His Majesties Power and Jurisdiction, as I shall answer to GOD.

Follows the Acknowledgement of His Majesties Prerogative.



Inasmuch as the Estates of Parliament of this Kingdom, by their severall Acts of the eleventh and twenty fifth of January, last, have, from the sense of their humble duty, and in recognisance of His Majesties just Right, Declared, That it is an inherent Priviledge of the Crown, and an undoubted part of the Royal Prerogative of the Kings of this Kingdom, to have the sole choise and appointment of the Officers of Estate, Privy-Councillors, and Lords of Session; That the power of calling, holding and dissolving of Parliaments, and all Conventions, and Meetings of the Estates, doth fully reside in the Kings Majesty, His Heirs and Successors: and that as no Parliament, can be lawfully kept, without the special warrand and presence of the Kings Majesty, or His Commissioner; So, no Acts, nor Statutes, to be past in any Parliament, can be binding on the people, or have the Authority or force of Laws, without the special approbation of His Majesty, or His Commissioner, interponed thereto at the making thereof; That the power of Armes, making of Peace and War,
and

ACT 12. King CHARLES the II. 1661. 12

and making of Treaties and Leagues with Forreign Princes or States, or at home by the Subjects among themselves, doth properly reside in the Kings Majesty, His Heirs and Successors, and is their undoubted Right, and their's alone; And that it is high Treason in the Subjects, of this Kingdom, or any number of them, upon whatsoever ground, to rise or continue in Armes, to maintain any Ports, Garisons or Strengths, to make Peace or War, or to make any Treaties or Leagues with Forreigners, or among themselves, without His Majesties Authority first interponed thereto; That it is unlawfull to the Subjects, of whatsoever quality or function, to convocat, convene or assemble themselves, for holding of Councils, Conventions and Assemblies, to Treat, Consult and Determin in any matters of State, Civil or Ecclesiastick (except in the ordinary Judgements) or to make Leagues, or Bonds, upon whatsoever colour or pretence, without His Majesties special consent and approbation had thereunto; That the League and Covenant, and all Treaties following thereupon, and Acts or Deeds that do or may relate thereunto, are not obligatory, nor do infer any Obligation upon this Kingdom, or the Subjects thereof, to meddle or interpose by Armes, or any seditious way, in any thing concerning the Religion and Government of the Churches in *England* and *Ireland*, or in what may concern the Administration of His Majesties Government there; And that none of His Majesties Subjects, should presume, upon any pretext of any Authority whatsoever, to require the renewing or swearing of the said League and Covenant, or of any other Covenants or publick Oaths concerning the Government of the Church or Kingdom; And that none offer to renew or swear the same, without His Majesties special warrant and approbation, &c. I do conform to the Acts of Parliament aforesaid, Declare, That I do with all humble duty acknowledge His Majesties Royal Prerogative, Right and Power in all the particulars, and in the manner aforementioned, and that I do heartily give my consent thereto, by these presents: Subscribed by me, at

X I I.

Act concerning the Judicial proceedings in the time of the late Usurpers.

INASMUCH since the year of GOD, one thousand six hundred and fifty one, the late Usurpers did take upon them to establish Judicatories, superior and inferior, within this Nation; as Judges for Administration of Justice, in place of the Judicatory of the Session formerly established by Law, Commissioners for the Admiralty, Sheriffs of Shires, Commissioners, Justices of Peace, and other inferior Courts. In which Courts, the people did in name of the Usurpers, or under the notion of the Keepers of the Liberties, prosecute and defend their several Causes and Interests, these many years past. And His Majesty, considering that the matters agitate, pursued and concluded, were for the

most part, things of course, belonging to the ordinary Judicatories formerly established in this Kingdom; and being unwilling that the people should be put to any further trouble, where Matters have been acted, and Cases determined, according to Law: Therefore, His *Majesty*, with consent of the Estates of Parliament, Declares, That all and whatsoever acts, Interloquitors, Decrets and Sentences, made, pronounced and given forth by the saids Courts, superiour and inferiour, with all execution thereupon, and all execution by Horning, Inhibition, Caption, Comprising, Poynding and others, to have been, and to be, valid, and stand in full force, notwithstanding of the unlawfulness of the Authority, by which these Courts were held, and the execution used: But because the Judges or Commissioners for Administration of Justice, did sometimes proceed in an arbitrary way, contrair to Law and Justice; and at other times, many of them being strangers and ignorant of the law, did proceed unwarrantably and unjustly betwixt parties. Therefore His *Majesty*, with consent foresaid, doth Declare, That whatsoever person or persons, hath any just reason to quarrel their Acts, Interloquitors, Decrets and Sentences, they are hereby warranded and allowed to do the same; without any Reduction or Suspension, within space of one year, next after the down-sitting of the Session: And if parties complainers be Minors, within the space of year and day, next after they shall attain the age of twenty one years compleat, Parties alwayes being lawfully cited thereto. And if any person or persons, be charged under the pain of Horning, Suspension shall be granted to them upon Caution, or if they be not able to find Caution, *super cautione Juratoria*. And if it shall be found, that the complainer doth, without any just ground, unnecessarily vex the party complained upon, in that case, the Lords of the Session are hereby authorized, to determine the parties damage, and charges to be paid by the unjust Complainer. Likeas, all Decrets before the saids pretended Commissioners for Administration of Justice, whether given in absence, or parties compearand, are hereby allowed to be brought in question, revised and recognosced, in manner foresaid. And whereas there be many Processes as yet depending undecided, upon Summons and Letters raised in the saids Usurpers names, the same Processes shall be all wakned in His *Majesties* Name, and be put to a final close by the Lords of Session, as if they had been intended from the beginning, in His *Majesties* Name and Authority. And whereas, any Acts or Decrets have been made or given forth in the Admiral Courts, or any other inferiour Courts, the same may be brought in question before the Lords of Session, in the same forme and manner as was formerly established by the Law and Practick of this Kingdom.

And forasmuch as the said Usurpers, did from time to time, nominate and appoint Commissioners of Exchequer, having the same power to passe all sorts of Writs, Signators and others, and to discusse Processes and Suspensions, in the same manner as His *Majesties* Treasurer and Commissioners, appointed by His *Majesty*, had power to do; Therefore, His *Majesty*, with advice and consent foresaid, for the good and ease of His people (under the provisions underwritten) doth Declare, all
and

ACT 13. *King* CHARLES the II. 1661. 21

and whatsoever Writs, Gifts, Signators of whatsoever nature and quality they be of, past and expd the Privy great and quarter Seals *respectively*, or past according to pretended Orders for the time, when there were no Seals, to be of full force and effect, Providing alwayes, that where any Signators were past in Exchequer under the Usurpers, and the Composition paid, and yet not past the Seals, the same shall be presented and past in Exchequer, *de novo*, if there be reason therefore, without any Composition; and where Resignations only have been made upon Procuratories in the Usurpers time, Signators may without new resignation passe thereupon. It is also provided, that this Act be no wayes extended to new Gifts of Lands, Teinds and others, past to the prejudice of His Majesty, nor to Gifts of Bastardie, or *ultimus hæres*, unless the same be of new ratified and approven by His Majesties Treasurer and Commissioners of Exchequer, nor to any other Gifts, Confirmations, Charters upon Resignation, where the saids Gifts, Confirmations and Charters were made and granted, in prejudice of any person or persons, who had former Rights granted unto them by His Majesty, or His Royal Father of blessed memory, under their Seals, or past their Royal Hands. And generally providing, that all and whatsoever Gifts, Grants, Commissions, Charters and other Writs whatsoever, past in Exchequer, and through the Seals in the Usurpers time, and all and whatsoever Acts and Sentences pronounced and given forth by them, shall, and may, be called in question at the instance of any of the people, who may pretend to have been unjustly wronged and prejudged thereby: And that upon complaints to be given in to His Majesties Treasurer and Commissioners of Exchequer, wherein they shall have power to determin, as they shall think just and reasonable.

XIII.

Act and offer of Fourty thousand pounds Sterling, to be paid to the Kings Majesty yearly, during His lifetime, by this Kingdom.



He Estates of Parliament, taking to their consideration, the great happinesse this Kingdom hath in former time injoyed, under the Government of his Majesties Royal Ancestors, with the miseries and bondage, which by the neglect and contempt of the Authority, and commands of His Royal Father of blessed memory, it hath groaned under, during these twenty three years troubles. And that the Kings Majesty, hath been graciously pleased (notwithstanding of all the provocations given to Himself and His Royal Father) to evidence His affection and favour to this His ancient Kingdom, comforting and reviving it, by the Rayes of His Royal Government and Authority, under the protection of which, the just Liberties, Freedom and Interest of this

this Kingdom, and the Subjects thereof, are, and can only be, secured; Do with all humble duty, thankfulness and sincerity, acknowledge His *Majesties* unparallel'd Grace and Goodness. And that as their happiness doth depend upon the Safety of His *Majesties* person, and the establishment and exercise of His Royal Authority and Greatness: So this Kingdom, will be ready at all occasions, to offer their Lives and Fortunes against all deadly, in every cause, wherein His *Majesties* Person, Authority, Prerogative, or Government may be concerned. And seeing, for the due establishment of His *Majesties* Authority, and settling and securing the peace of this Kingdom, His *Majesty* may have occasion for sometime, to raise and keep some Forces within the Kingdom; and that the late troubles, will at present, necessitate a greater expence, for support of the Royal Government then formerly, and that His *Majesty* hath signified His resolution, not to raise any more Sells; Therefore, and from the due sense of their duty and obligations, the Estates of Parliament, Do in name of this Kingdom, make humble and cheerful offer to His *Majesty*, of a yearly Annuity, of Fourty thousand pounds *Sterling*, during all the dayes of His *Majesties* lifetime; which they pray may be long and prosperous, that this Kingdom may have further occasion, to let the world know, they do above all things, hate the very thoughts of disloyalty, and that no people under Heaven, can express more duty and obedience to the Authority and Commands of their Sovereign, then they are, and will be ready to do.

XIV.

Act for raising the Annuity of Fourty thousand pounds Sterling granted to His MAJESTY.



The Estates of Parliament, in pursuance of their Act, of the date the twenty two day of this instant, whereby they have made offer to His *Majesty* of the sum of Fourty thousand pounds *Sterling* yearly, during all the dayes of His *Majesties* lifetime, towards the entertainment of any such Forces as His *Majesty* shall think fit to raise and keep up within this Kingdom; or otherways towards the defraying of the necessary charge of His Government, according to His Royal pleasure; Appoints and Ordains the said sum of Fourty thousand pounds *Sterling*, being Four hundred fourscore thousand pounds *Scots* money, to be raised, levied, collected and paid, in manner under-written; *viz.* Ninety six thousand pounds *Scots* thereof to be raised yearly off the Inland Salt and Forreign Commodities aftermentioned; To wit, threescore twelve pounds *Scots* upon ilk Tun of Spanish Wine, Renish Wine, Cannary, Malvesie, and all other Wines of the like kind; forty eight pounds

Act 14. King CHARLES the II 1661. 23

pounds money foresaid, upon ilk Tun of French Wine, and twelve pennies money foresaid, upon ilk pint of Vineger, six pounds upon ilk Barrel of imported Soap; fourty shillings upon ilk Boll of Forreign Bay-salt, and Salt upon Salt, *the hoggan* Measure; twenty shillings upon ilk Boll of imported White-Salt, and fifteen shillings upon ilk Boll of Inland Salt, measure foresaid: But prejudice nevertheless to the present Tackf-men of the Forreign and Inland Salt, during the time set to them by the Commissioners of Excise, to exact the Rates therein mentioned: twelve pennies money foresaid, upon ilk pound of Tobacco, imported by the Natives of this Kingdom, from the Tobacco Plantations, and three shillings upon ilk pound imported thence by Forreigners. *Item* three shillings upon each pound of Tobacco, imported by the Natives of this Kingdom, from any other place then the fore-said Plantations, and six shillings upon ilk pound imported by Forreigners; Twelve shillings upon ilk Ell of Cloath imported into this Kingdom above six pounds the Ell, and six shillings upon ilk Ell of imported Cloath at or below six pounds the Ell; six shillings the Ell upon all sorts of imported Searges; three shillings upon ilk Ell of Castilians, or other imported worstead Stuffs whatsoever; three shillings upon ilk Ell of all sorts of imported hair Stuffs whatsoever; three pounds twelve shillings upon the Piece of ilk Bayer-hat; one pound six shillings upon ilk Demy-bayer and Vigon, and twelve shillings upon the Piece of all other sorts of Hats imported into this Kingdom; one pound sixteen shillings upon the dozen of all imported worstead Stockins; twelve shillings upon the pair of double Stag-gloves; six shillings upon the pair of single Stags and Cordivans; three shillings upon ilk pair of Kids, Sheep and Lamb Leather, and all other sort of Gloves; one pound sixteen shillings upon ilk Trunk of the largest size; one pound four shillings upon ilk Trunk of middling size; twelve shillings money foresaid upon ilk Leather Male of the largest size; six shillings upon ilk Leather Male of middling size, imported into this Kingdom, and one shilling, all *Scots* money foresaid, upon the pound value of all other Forreign Commodities (except the particulars after excepted) to be paid by the Retailer: that is to say, The first Buyer of the saids Commodities from the Importer or Salt-maker of Inland Salt, or by the saids Importer or Salt-makers, for what they shall either make use of themselves, or sell out in Parcels. *Item* twenty shillings upon ilk Horse; eighteen shillings upon ilk Cow, and two shillings money foresaid upon ilk Sheep imported into this Kingdom, to be paid by the Importer thereof. The particular ordering and regulating of the which Excise of the Commodities above-written, is hereby remitted to the Commissioners of Excise, who are to put the same in Farm or Collection to the best avail.

Provided alwayes, likeas it is hereby expressly provided, that the Forreign Commodities aftermentioned; *viz.* All Salt imployed upon Barrell'd Fish, whether transported out of this Kingdom or made use of within the same; All Pitch, Tar, Cordage, Cork, Ners, Iron, Copper, Brass, Timunmade, Pot-ashes, Oyl, and all other Ingredients for Soap; all Flax, Hemp and Hops, untwined Silk; all Materials

rials for dying; all Deals, Trees, Stings for Cowpers, Knapl, Wain-scot, Planks, and Oak-wood whatsoever for shipping; all Barrel-staffs or Materials whatsoever for fishing; all Suggars brought from the Plantations in *Scots*-bottoms; all unfinid Suggar, brought from any place: As also, all Materials for Manufactures, as *Spanish* and *Siga-
via* Wool and others, are and shall be free of any Excise imposed by vertue of this present Act.

And the remainder of the foresaid four hundred fourscore thousand pounds *Scots* money, being three hundred eighty four thousand pounds, to be raised out of the Bear, Ale, Aquavitz and Strongwaters, at the rate of two merks *Scots* upon ilk Boll of Malt, brewed and sold within this Kingdom; three shillings money foresaid upon ilk pint of Aquavitz or Strongwaters not made of Malt, brewed and sold within this Kingdom, six shillings upon ilk pint of Foreign Aquavitz or Strongwaters, and twelve shillings upon ilk Barrel of imported Bear: And what this imposition shall be short of the *quota* of Excise, imposed upon the several Shires and Burghs by the List under-written, the same to be supplied by the said Shires and Burghs, in lew of the Malt brewed in their own houses, in manner after mentioned. Likeas, it is hereby declared, that the said several Shires and Burghs shall be, and are by these presents lyable in the payment of the respective Monethly proportions under-written, *viz.*

The Sherifffdom of *Edinburgh* principal (the Town of *Edinburgh* and pertinents excepted) in the sum of two thousand six hundred three-score four pounds, *Scots* money foresaid, monethly.

The Town of *Edinburgh*, comprehending *Cannongate*, *South* and *North-Leith*, with the whole pendicles and pertinents, in the sum of three thousand seven hundred thirty two pounds.

The Sherifffdom of *Haddingtoun*, and Burghs within the same, in the sum of onethousand six hundred fourscore fifteen pounds.

The Sherifffdom of *Berwick*, comprehending the Bailery of *Lauderdale* and Burghs within the same, in the sum of six hundred ten pounds sixteen shillings.

The Sherifffdom of *Roxburgh* and Burghs within the same, in the sum of seven hundred fourscore four pounds sixteen shillings.

The Sherifffdom of *Selkirk* and Burghs within the same, in the sum of one hundred fifty three pounds ten shillings.

The Sherifffdom of *Perth* and Burghs within the same, in the sum of one hundred thirty seven pounds ten shillings.

The Sherifffdom of *Lanerick* and Burghs within the same, (*Glasgow* excepted) in the sum of nine hundred three-score eight pounds eight shillings.

The Town of *Glasgow*, in the sum of one thousand seven hundred fourty four pounds four shillings.

The Sherifffdom of *Dumfriesshire* and Burghs within the same, in the sum of five hundred three-score sixteen pounds.

The Sherifffdom of *Wigtoun* and Burghs within the same, in the sum of two hundred four pounds twelve shillings.

The

ACT 14. King CHARLES the II. 1661. 23

The *Stewarrie of Kirkcudburgh* and Burghs within the same, in the sum of three hundred forty eights pounds.

The Sheriffdom of *Air* and Burghs within the same, in the sum of one thousand six hundred threescore fifteen pounds sixteen shillings.

The Sheriffdom of *Dunbarton* and Burghs within the same, in the sum of one hundred fourscore fourteen pounds.

The Sheriffdom of *Bux* and Burghs within the same, in the sum of fifty seven pounds.

The Sheriffdom of *Renfrew* and Burghs within the same, in the sum of four hundred fifty seven pounds four shillings.

The Sheriffdom of *Stirling* and Burghs within the same, in the sum of nine hundred twenty pounds eight shillings.

The Sheriffdom of *Linlithgow* and Burghs within the same, in the sum of seven hundred fourscore nineteen pounds four shillings..

The Sheriffdom of *Pearth* and Burghs within the same, in the sum of two thousand three hundred threescore fourteen pounds sixteen shillings.

The Sheriffdom of *Kineairden* and Burghs within the same, in the sum of three hundred threescore three pounds twelve shillings.

The Sheriffdom of *Aberdeen* and Burghs within the same, in the sum of two thousand five hundred and eighteen pounds nineteen shillings.

The Sheriffdom of *Burgh* and Burghs within the same, in the sum of three hundred fourscore seven pounds three shillings.

The Sheriffdom of *Inverness* and Burghs within the same, in the sum of six hundred fourscore fourteen pounds eight shillings.

The Sheriffdoms of *Elgin* and *Nairn* and Burghs within the same, including that part of the Paroch of *Ferintosh*, which pertains to the Sheriffdom of *Nairn*, in the sum of five hundred thirty six pounds four shillings.

The Sheriffdom of *Cromarty* and Burghs within the same, in the sum of thirty pounds.

The Sheriffdom of *Argyle* and Burghs within the same, in the sum of one hundred fourscore thirteen pounds sixteen shillings.

The Sheriffdoms of *Fife* and *Kinross* and Burghs within the same, in the sum of four thousand fourscore eight pounds eight shillings.

The Sheriffdom of *Forfar* and Burghs within the same, except as is after excepted, in the sum of one thousand fourscore four pounds four shillings.

The Town and Paroch of *Dundee*, with the Miln and Miln-lands thereof, in one thousand one hundred threescore two pounds four shillings.

The Sheriffdom of *Sutherland* and Burghs within the same, in the sum of threescore twelve pounds twelve shillings.

The Sheriffdom of *Kaithness* and Burghs within the same, in the sum of one hundred thirty three pounds four shillings.

The Sheriffdoms of *Orkney* and *Zeland* and Burghs within the same, in the sum of one hundred fourscore thirteen pounds sixteen shillings.

The Sheriffdom of *Clackmannan* and Burghs within the same, in the sum of two hundred forty two pounds two shillings.

The Sheriffdom of *Ross* and Burghs within the same, in the sum of two hundred and four pounds.

And if the Excise imposed upon the Inland Salt and Forreign Commodities, shall exceed the foresaid sum of ninety six thousand pounds, appointed by this Act to be raised off the same, then the *superplus* to be imployed and made use of, by such as shall be intrusted by His Majesty with that affair, for the relief of such Shires and Burghs, as they shall find to be overburdened, or disproportionat by the foresaid List. And for the better and more speedy inbringing and payment of the said three hundred and eighty four thousand pounds, the Kings Majesty, with advice and consent of His Estates of Parliament, nominates, appoints, and ordains the persons underwritten, to be Commissioners within the respective Shires and Burghs for regulating, ordering and uplifting of the said Excise, viz.

Edinburgh.

For the Sheriffdom of *Edinburgh* principal, the Town of *Edinburgh* and pertinents excepted, Lord Ramsay, Walter Lord Torphichen, James Lord Forrester, Sir James Foulis of Collington, the Lairds of *Haltoun* elder and younger, Sir John Wanchop of Nidrie, Sir Alexander Dalmahoy of that ilk, Sir John Nicolson of Poltoun, Sir James Dundas of Arnistoun, Sir John Couper of Gogar, Adam Cunningham of Woodhall, George Foulis of Ravelston, Sir John Foulis his son, Mr. John Young of Leny, Mr. Robert Prestoun of Prestoun, Patrick Hamilton of Prestoun, Sir William Murray Master of work, Mr. Lawrence Scot of Bavilla, James Boyd of Temple, Sir Robert Murray of Cameron, Mr. Alexander Foulis of Ratho, Sir John Smith of Groshill, Edward Edgar of Peper-milne, John Biggar of Wolmet, Doby of Stanle-hill, Mr. William Little of Over Libertoun, Sir John Gibson of Adestoun, Mark Kerse younger of Cockpen, Mr. Robert Dalglish of Louristoun, Sir Thomas Thomson of Dudistoun, Sir William Murray of Newtown, Henry Elphinstoun of Calderball, Ramsay of Whythill, Thomas Craig of Rickertoun, William Murray of Long-harmistoun, Alexander Calderwood in Dalkeith, the eldest Bailie of *Musselburgh* for the time being.

For the Town of *Edinburgh*, the Magistrates and Council for the time being.

Haddingtoun.

For the Sheriffdom of *Haddingtoun* and Burghs within the same, William Earl of Roxburgh, John Earl of Haddingtoun, John Earl of Tweeddale, Alexander Viscount of Kingstoun, John Lord Belhaven, Sir Robert Douglas of Blakiestoun, Hepburn of Wanchtoun, Rathven of Dunglass, Sir Peter Wedderburne of Gofford, Frances Kinloch of Gilmertoun, Mr. Alexander Hay of Baro, Mr. John Hay of Aberlady, Mr. Cornelius Inglis of East-barnes, James Lawder Bailie in Dunbar, William Seatoun Provost of Haddingtoun, Sir James Hay of Lindplumb, Sir Robert Hepburn of Keith, George Cockburn Tutor of Ormestoun, Sir Thomas Hamilton of Prestoun, Sir Alexander Morison

ACT 14. King CHARLES the II. 1681. 27

*Marison of Preston-grange, John Seatoun of Saintgermans, Sir James
Ducham of Luffness, George Hoom of Faord, Leadington
of Salecoats, Hepburn of Smeitoun, Bailly
of North Berwick, Alexander Cockburn.*

Linlithgow.

For the Sheriffdom of Linlithgow and Burghs within the same, *William Duke of Hamilton, George Earle of Linlithgow, Walter Lord
Torphichen, Sir Archibald Stirling of Carden, Thomas Drummond of
Rickettoun, Sir James Stewart of Kirkhil, Mr. Archibald Campbell of
Kinpoune, Mr. John Fairholm of Craigiehall, William Sharp of Hou-
stoun, Robert Hamilton of Dechmond, Sir Robert Drummond of Meidhop,
George Drummond of Carloury, James Dundas of Mertoun, Mr. John
Stewart of Kestelstoun, Mr. Thomas Hamilton of Parklie, Mr. John
Hay of Woodcockdeal, Mr. Andrew Keir in Berronsfontness, Mr. James
Hamilton of Westport, Thomas Hamilton of Bathgate, Patrick Mur-
ray of Levingstoun, Mr. William Sandilands of Hilderstoun, Alexander
Lowingsstoun of Craigingall, such of the Magistrats of Linlithgow for
thetime being as are not Brewers, Archibald Willon in Queensferry.*

Pearth.

For the Sheriffdom of Pearth and Burghs within the same, *James
Marquess of Montrose, John Earle of Athol, James Earle of Tulibardin,
Patrick Earle of Kinghorn, David Viscount of Stormont, James Lord
Drummond, James Lord Cauper, David Lord Lour, David Lord Ma-
derte, Thomas Lord Rushven, James Lord Rollo, Patrick Mr. of Gray,
Mungo Murray of Gairth, Sir John Drummond of Burnbank, Sir John
Moncrief of that ilk, John Campbell of Glenurquhay, Sir John Chisholm
of Cromlicks, Sir James Drummond of Machany, Sir Thomas Stewart of
Gairntullie, Sir William Stewart of Innereyrie, Sir George Prestoun of
Valefield, Sir Robert Nairn of Strathour, Sir William Graham of Braco,
Sir James Myser of Adie, Sir Gilbert Stewart of Pilcaik, Robert Murray
of abeycairny, Alexander Meinzie of that ilk, Thomas Meinzie of
Inchaffray, Patrick Graham of Inchbraikie, Mr. John Nairn of Muc-
kersie, Robert Meinzie of Glassie, Robert Buchanan of that ilk, Mr. Da-
vid Kinloch of Bandoch, Henry Stirling of Ardoch, John Kinloch of
Gourdie, George Hay of Kirkland, George Hay of Balhousie, Lawrence
Oliphant of Bachelstoun, William Murray Ear of Ochertyre, Patrick Ros-
tray of Craighall, John Campbell of Fordie, William Blair of Kinfains,
Robert Murray of Buchantie, William Ogilvie of Mury, David Drum-
mond of Innermey, Henry Murray of Lochlene, Andrew Toshach of Mo-
niwaird, George Graham of Monzy, Patrick Stewart of Ballenbane,
Mungo Graham of Gorthy, Robert Campbell of Glenlyon, Alexander Ro-
bertson of Strowan, Alexander Stewart of Fosse, John Nairn of Seggie-
dene, John Blair of Edblair, John Stewart of Sheirglass, Alexander
Robertson of Lud, John Henderson of Brabster, Duncan Robertson of
Auchlaikie, John Stewart of Belnakeillie, Andrew Small of Dirminan,
Alexander Robertson of Downey, James Ogilvie of Moretoun, Peter Hay
of Leyes younger, Patrick Hay of Pitfour younger, Donald Robertson of
Belnactraig,*

Belnacraig, Spalding of Askeintillie, Mr. John Patterson of Bencheslie, William Prestoun of Valefield younger, Mr. Hugh Moncrief of Tibbermalloch, Sir David Carmichael of Balmedie, Hugh Mitchel of Kinkarrochie, John Robertson of Fornocht, Mr. John Drummond of Leneoch, James Gourly in Culross, the Provost, Bailies, Dean of Gild, and Treasurer of Pearth, for the time being, the Baylies of Culross for the time, Gilbert Campbel of Keathick, John Graham of Balgown, Sir Lawrence Oliphant of Gask, George Campbel of Crunane, Gilbert Ramsay of Bamff, William Murray of Keillor, Mitchel Balfour of Pirmaden, Campbel of Glenampil, James Gray of Balligerny, Thomas Turnbull of Bogemilne, William Kinmont of Hill, Alexander Lindsey of Evelick, George Murray of Tibbermure, Mr. Alexander Malloch of Cairnies, William Moncrief of Kintullo, Mr. John Moncrief of Culfargie, John Moncrief of Easter-Moncrief, Sir William Auchinleck of Balmano, William Bruce of Fingask, Robert Graham of Cairny, Patrick Butter of Gormak, Sir Alexander Blair of Balshiack.

Roxburgh.

For the Sheriffdom of Roxburgh and Burghs within the same, *William Earl of Roxburgh, John Earl of Haddingtoun, Earl of Lothian, Lord Cranston, Sir Archibald Douglas of Carvers, Sir Gilbert Elliot of Stobs, Sir William Scot of Harden, Sir Gideon Scot of Haychester, Sir Thomas Ker of Carvers, Robert Ker of Gaithshaw, Robert Ker of Crailinball, Henry Mackdowgal of Mackcairstoun, John Rutherford of Edgerstoun, Mr. Gilbert Elliot of Craigend, Patrick Scot of Thirlestain, John Ker of Elisbuth, James Lintithgow of Drygrange, William Ker of Sunderlandhall, Henry Ker of Lintoun, John Turnbull of Minto, Robert Pringle of Stitchel, John Scot of Gorrenberry, Robert Ker of Graden, Robert Scot of Harwood, Robert Pringle of Clifftoun, Mr. John Scot of Langshaw, Alexander Done of Newtown, Gavin Elliot of Grange, Andrew Ker of Littledain, and Patrick Done John Rutherford Provost of Jedburgh, and John Rutherford Bailly.*

Selkirk.

For the Sheriffdom of Selkirk and Burghs within the same, *John Murray of Philliphau, Thomas Scot of Whistaid, Sir Thomas Ker of Fairnely, the Laird of Whitebank elder, John Riddel of Haining, William Scot of Sintoun, William Scot of Hartwood-myres, William Scot of Tushelaw, John Murray of Escheftel, John Scot of Vool, Patrick Murray of Helmburne, Thomas Scot of Todrig, John Scot of Langhop, Andrew Scot of Bowhill, Mr. John Angus and Robert Elliot in Selkirk.*

Lanerick.

For the Sheriffdom of Lanerick and Burghs within the same, *William Duke of Hamilton, Earl of Carnwath, Lord Fleming, Sir James Lockhart of Lee, Sir William Bailzie of Lamingtoun, Sir Robert Hamilton of Silvertounhill, William Lindsey of Covington, Sir Thomas Hamilton of Prestoun, Sir James Murehead of Lachop, Sir William Veir of Stane-byres, Sir James Hamilton of Orbestoun*

Act 14. King CHARLES the II. 1661. 29

Oberstoun, Gavin Hamiltoun of Raploch, James Hamiltoun of Dalziel, Sir Walter Stewart of Allentoun, Alexander Hamiltoun of Haggis, John Ballentyne of Corehouse, Sir James Carmichael of Bonnie, James Hamiltoun of Woodhall, Thomas Stewart of Culnefs, James Stewart of Turrens, William Englis of Eastsheil, Alexander Meinzie of Culterawes, John Robertson of Earnock, Mr. Archibald Fleming of Fairne, Mr. Archibald Robertson of Bedlay, Claud Bailzie of Baigbie, William Lindsay of Belfain, Robert Chancellor of Sheilhill, William Bailzie of Littlegil, James Murehead of Bradysholme, John Veir of Clonburn, James Cleland of that ilk, Samuel Lockhart of Mr. John Hamiltoun of Grene, Walter Lockhart of Kirkcoun, James Hamiltoun Commissar of Lanerick, Mr. Henry Scot of Mosfennane, and James Threipland of two of the Magistrates of Lanerick for the time being, and two of the Magistrates of Rutherglen for the time being.

For the Town of Glasgow, which is excepted out of the Sheriffdom of Lanerick, the Magistrates and Council for the time being.

Drumfries.

For the Sheriffdom of Drumfries and Burghs within the same, Robert Earl of Nithisdail, James Earl of Queensberry, Gavin Earl of Carnwath, James Earl of Annandail, William Lord Drumlangrig, Robert Fergusson of Craigdonnoch, James Hunter of Ballagen, Sir Robert Murray of Glenmure, Robert Dalziel younger of Glenie, James Crichtoun of St. Leonards, Robert Maxwell of Cairnselloch, Gilbert Richard of Barskimming, William Douglas of Mortoun, James Johnstoun of Coreheid younger, Sir James Johnstoun of Westerhall, John Irwing, Provost of Drumfries, James Greir Tutor of Lag, Ambrose Johnstoun of Podelin, John Scot of Newburgh, Christopher Johnstoun of Burnegleis, Hugh Sinclair of Inglestoun.

Air.

For the Sheriffdom of Air and Burghs within the same, William Earl of Glencairn, Lord High Chancellor of Scotland, Hugh Earl of Eglintoun, John Earl of Lowdown, William Earl of Drumfries, James Lord Kilmares, Alexander Lord Montgomery, John Lord Macblane, Lord Creightoun, Allan Lord Cathcart, William Lord Boyd, John Lord Bargein, William Lord Cochrane, William Master of Cochrane, Sir Robert Montgomery of Skelmorlie Baronet, Sir David Cunningham of Robertland Baronet, John Blair of that ilk, Sir William Moor of Rowaland, Robert Montgomery of Hesselbeid, James Dunlop of that ilk, David Montgomery of Langshaw, Robert Ker younger of Kerland, John Cunningham of Bedland, David Boyd of Kelburne, John Montfod of that ilk, Sir Hugh Campbell of Ceshock, Sir James Dalrimple of Stair, John Chambers of Gaisgith, John Cochran of Ochiltry, David Boswel of Auchinleck, James Crichtoun of St. Leonards, David Blair of Adamtoun, James Crichtoun of Castlemains, Gilbert Ritchie of Barskimming, Cunningham of Privick, William Campbell of Glaisnock, Kennedie of Culen, Mure of

of Achindrain,
Kennedie of Balterffan,
of Ardmillan, and

Baylies for the time being, and the Provost and two first Bay-
lies of Irwin for the time being.

Kennedie of Birkmichael, Thomas Ken-
Boyd of Trochreg, James Crawford
Kennedie of Eragoch, the Provost and

Dunbartoun.

For the Sheriffdom of Dunbartoun and Burghs within the same,
Lord Fleming, Sir John Colquhoun of Luss, John Na-
per of Kilmahew, Robert Hamilton of Barnes, Sir Humphrey Colquhoun
of Balvey, William Bontin of Ardoch, John Semple younger of Ful-
wood, Aulay Mackanlay fiar of Ardincapill, Archibald Stewart of Scot-
tistoun, James Fleming of Otagang, Mr. James Fleming of Baloch, Ma-
jor George Noble, Walter Watson, John Cunningham, Robert Watson,
and John Smollat Burgeses of Dunbartoun.

Argyle.

For the Sheriffdom of Argyle and Burghs within the same, the
Laird of Glenurquhay, Sir Dougal Campbell of Auchinbreck, Donald
Campbell of Barbreck, Sir James Lawmont of Inneryne, Alexander
Macknachton of Dunderave, Archibald Campbell of Kilman, Sir Hugh
Campbell of Caddel, John Macdowgal of Dunlichie, Colin Campbell of
Lochnazel, Duncan Stewart of Appyn, Murdoch Maclean of Lochbowie,
Hector Maclean of Corleisk, Archibald Campbell of Glencarradel,
Macdonnall of Largy, Hector Macaleister of Long,
Colin Macaulellan Captain of Inshconnet, Archibald Campbell Factor
of Ila, Dougal Campbell of Dail, Duncan Campbell Bailly of Kinsyre, the
Provost and Bailies of Inverary for the time being, and George Campbell.

Fife and Kinross.

For the Sheriffdoms of Fife and Kinross and Burghs within the
same, John Earl of Crawford Lindsey Lord high Treasurer, John Earl
of Rothes President of the Council,
Earl of Kelly,
Earl of Weems,
Viscount of
Stormont, Lord Balgony, Lord Sinclair,
Lord Burghly, Lord Melvil, William Scot
of Ardross, Sir Philip Anstruther of that ilk, Sir Thomas Gourly of
Kintraig, Sir David Auchmonthy of that ilk, Sir John Weems of Bogie,
Mr. Alexander Mersein of Strainery, Sir Alexander Gibson of Dury,
Patrick Lindsey of Wormestoun, Sir John Esly of Newtown,
Young of Kirkton, Sir Henry Wardlaw of Pitrevey, Sir James Hacket of
Pitfirin,
Arnot of Fairny, Mr. David Balfour of
Andrew Murray of Pitlochrie, Sir Andrew Ramsay of Abbots hall, Wil-
liam Pitcairn of Forfar,
Lindsey of Downhill, Alexander
Bruce Brother to the Earl of Kincarrin, Lindsey of Mouth,
John Ramsay of Brackmont, Lindsey of Kirkforfar, James
Clark of Pittinordef, Alexander Bruce of Broomhall, Andrew Carsairs
Burgeses of St. Andrews, William Simson Burgeses of Dysert, John
Williamson Burgeses of Kirkaldy, George Turnbull Burgeses of Couper,
Alexander

ACT 14. King CHARLES the II. 1661. 31

Alexander Black Burghs of Anstruther Easter, Peter Oliphant Burghs of Anstruther Wester, James Moncrief Burghs of Crail, David Seatoun Burghs of Bruntisland, Thomas Thomson Burghs of Innerkeithen, Robert Cunningham Burghs of Kinghorn, Peter Walker Burghs of Dumfermling, Thomas Peacock Burghs of Kilreny, and Walter Airth Burghs of Pettenweyme.

Wigtoun.

For the Sheriffdom of *Wigtoun* and Burghs within the same, *James Earl of Galloway, Alexander Lord Garlies, Andrew Agnew* appearand of *Lochnaw, Thomas Dunbar of Mosbram, Patrick Mackdowald of Logan, William Stewart of Castil Stewart, Uchtrick Mackdonal of French, William Gordoun of Craichlaw, Sir James Dalrymple of Stair, David Dunbar of Baldon, Alexander Macculloch of Ardsal, John Murray of Brugh-toun, John Houstoun of Drummaffoun, William Stewart of Eginness, George Stewart of Tundergie, William Macguffock of Ahterry, Thomas Stewart of Glentark, Richard Murray of Brughtoun younger, John Macculloch of Mayrtoun.*

Stewartry of Kirkcudburgh.

For the Stewartry of *Kirkcudburgh* and Burghs within the same, *Robert Earl of Nithisdail, James Earl of Galloway, Robert Viscount of Kenmure, Alexander Lord Garlies, John Lord Hervis, John Lord Kirkcudburgh, Robert Master of Hervis, John Hervis of Maybie, Sir James Murray of Babertoun, David Macbrair of Newark, William Maxwell of Kirkhouse, Mr. Alexander Spotswood of Sweethearts, Mr. Thomas Hay of Lands, James Maxwell of Braikenside, Roger Gordoun of Troquhen, William Gordoun of Schirrinners, Mr. William Gordoun of Earlestown, Robert Maxwell of Orchardtoun, William Mackleland of Collin, George Maxwell of Munshes, Richard Murray of Brughtoun, Alexander Mackgie of Balmackghie, VVilliam Greirson of Bargaton, John Corsan of Sannick, Gilbert Brown of Kempiltoun, John Dunbar of Machirmore, John Mure Tudor of Cassinacrie, Patrick Mackie of Larg, Andrew Herroun of Kiruchtrie, and John Ewart of Mullack, the Provost and Baylies of Kirkcudburgh for the time being, and the Provost of Newgalloway for the time being.*

Peibles.

For the Sheriffdom of *Peibles* and Burghs within the same, *John Earl of Traquair, John Earl of Tweddal, the Lairds of Blackbaronie elder and younger, VVilliam Murray of Stainhope, Sir John Vaitch of Daick, John Vaitch his son, Sir Michael Naesmith of Possa, Sir Robert Murray of Skirling, Robert Hunter of Polmude, William Horsburgh of Horiburgh, VValter Murray of Halmyre, Adam Murray of Cardon, James Giddes of Kirkurd, John Murray of Romano, Mr. John Dickson of VVitsleed, Alexander Bailzie of Flemingtoun-milne, Mr. John Hay of Haytoun, George Tait of Pirne, Mr. VVilliam Burnet of Cringeltie, George Brown of Scotstoun, VVilliam Brown of Stevinson, James Lawson of Cairnmore, VVilliam Govin of Cardrona, Hamiltoun of Caldcoat.*

Bute.

Bute.

For the Sheriffdom of Bute and Burghs within the same, *William Duke of Hamilton*, *Sir James Stewart Sheriff of Bute*, *Dougal Stewart his son*, *Hector Bannatine of Beams*, *Ninian Stewart of Kiscatten*, *Ninian Stewart of Ashboag*, *John Stewart of Ardinho*, *John Hamilton Bailly of Arran*, *William Hamilton of Coats*, *James Stewart of Kininwhinlick*, and *John Glask of Branser*, the Provost and Baylies of *Rothsay* for the time being.

Stirline.

For the Sheriffdom of Stirline and Burghs within the same, *William Duke of Hamilton*, *James Marquess of Montrose*, *Earl of Wigton*, *James Earl of Callender*, *Lord Fleming*, *James Lord Forrester*, *Alexander Levingston Nevev* to the Earl of Callender, *Sir William Levingston of Westquarter*, *Sir Robert Elphinstoun of Quarrel*, *Normand Levingston of Milnehill*, *Mr. Andrew Oswald of Dalderse*, *John Rollo of Woodside*, *William Bruce of Newtoun*, *Thomas Elphinstoun of Catherhal*, *John Murray of Polmaise*, *James Seaton of Touch*, *Sir John Rollo of Bannackburne*, *Sir Charles Erskin of Alva*, *William Stirline of Herbertshire*, *Alexander Menro of Bearcrofts*, *Sir James Levingston of Kilsith*, *Hamilton of Pardewie*, *John Stirline of Bankel*, *Sir George Stirline of Keir*, *Sir Mungo Stirline of Glorat*, *Buchanan of that ilk*, *Alexander Glasie of Coltingboose*, *Sir John Stirline of Carden younger*, *Walter Leskie of Deshors*, *John Leskie of that ilk*, *Alexander Cunningham of Bonham*, and *Mr. Alexander Nairn of Easter-Greenyards*, the Provost Baylies, Dean of Gild, and Treasurer of the Town of *Stirline* for the time being.

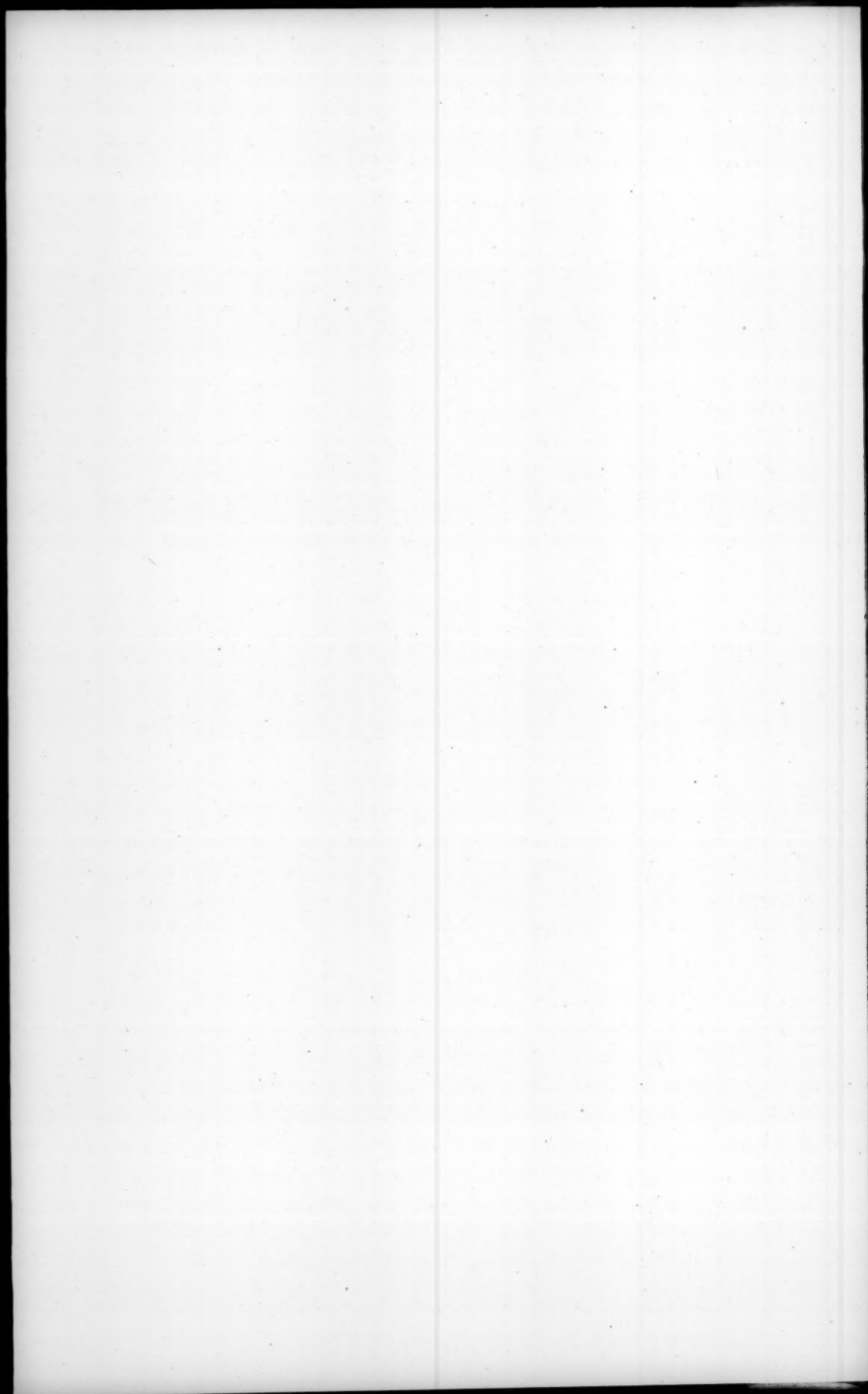
Bamff.

For the Sheriffdom of Bamff and Burghs within the same, *William Earl of Marshal*, *Earl of Findlater*, *Walter Ogilvy of Boyne*, *Sir John Gordoun of Park*, *Sir Alexander Urquhart of Dunlugas*, *William Innes of Kintormack*, *Mr. John Abercrombie of Glasscock*, *George Gordoun of Thornbank*, *Alexander Garden of Troup*, *James Innes of Auchrosk*, *Sir Alexander Abercrombie of Birkinboge*, *William Dalgarno of Blackwater*, and *Alexander Ogilvie of Kempcairn*, The Provost and Baylies of the Town of *Bamff* for the time being, and the Baylies of *Culen* for the time being.

Sutherland.

For the Sheriffdom of Sutherland and Burghs within the same, *Earl of Sutherland*, *George Lord Strathnaver*, *Lord Rae*, *Alexander Lord Duffus*, *Robert Gordoun of Langdail*, *Sir Robert Gordoun of Embo*, *Robert Gray of Skibo*, *Robert Gordoun of Carral*, *Hugh Macky of Scowry*, *Angus Macky of Melniez*, *John Sutherland of Glyve*, *William Gordoun of Dalphollie*, the Provost of *Dornoch* for the time being, and *Alexander Gordoun* Burges there.

Clackmannan.



Clackmannan.

For the Sheriffdom of *Clackmannan* and Burghs within the same, *Henry Bruce of Clackmannan*, *Sir Charles Erskin of Alva*, *Mr. Robert Bruce of Schanbodie*, *John Nicolson of Dilliculvie*, *David Bruce of Kennet*, *William Stirling of Herbertshire*, *Mr. Thomas Naper Bailie in Allaway*, *Patrick Burn of Sheirdel* and *John Keirie in Allaway*.

Elgin.

For the Sheriffdom of *Elgin* and Burghs within the same, *Alexander Earl of Murray*, *Alexander Lord Duffus*, *James Grant of Freuchie*, *Sir Robert Innes of that ilk*, *Thomas Mackenzie of Pluscardin*, *Sir Robert Innes of Mairtown*, *James Brodie of that ilk*, *Robert Cuming of Altar*, *Walter Kinnaird of Cubin*, *Sir Alexander Innes of Cokstoun*, *Sir Robert Dunbar of Grainghill*, *John Stewart of Newtown*, *Alexander Dowglass of Spetney*, *Alexander Tulloch of Tannachie*, *David Dunbar of Dunfail*, *George Innes of Caldoats*, *John Grant of Ballandollock*, *Patrick Grant of Achehangin*, *William Grant of Cardels*, *James Grant of Athernick*, the Provost and two Baylies of the Burgh of *Elgin* for the time being, the Provost and eldest Bailie of the Burgh of *Forres* for the time being.

Inverness.

For the Sheriffdom of *Inverness* and Burghs within the same, the Earl of *Murray*, the Earl of *Seaforth*, *James Grant of Freuchie*, *Lachlan Mackintosh Uncle to the Laird of Mackintosh*, *John Forbes of Culledin*, *Hugh Fraser of Belladrum*, *Alexander Mackintosh younger of Connedge*, *Hugh Fraser of Foyer*, *Donald Mackintosh of Oldourie*, *Mr. Roderick Mackenzie of Kilmure*, *Alexander Graham of Drynie*, *Sir John Urquhart of Cromarty*, *Alexander Dunbar of Kennedfield*, *Kenneth Mackenzie of Coul*, *Roderick Mackenzie of Davachmaluake*, *Roderick Mackenzie younger of Ferburn*, *Colleen Mackenzie of Reidcastle*, *John Cuthbert of Castlehill*, *Eune Mackpherson Tutor of Cluny*, *Sir Norman Mackleod of Kernary*, *John Grant of Garthinmore*, *Mungo Grant of Cunningham*, *James Grant of Shenglie*, the Provost and Baylies of *Inverness* for the time being, *James Anderson* and *Robert Innes in Forres*, the Provost and one of the Baylies of *Dingwall* for the time being.

Cromarty.

For the Sheriffdom of *Cromarty* and Burghs within the same, *Sir John Urquhart of Cromarty*, *Alexander Urquhart of Kinnudie*, *Alexander Clunes Bailie of Cromarty*.

Renfrew.

For the Sheriffdom of *Renfrew* and Burghs within the same, *Hugh Earl of Eglington*, *James Lord Kilmares*, *Alexander Lord Montgomery*, *George Lord Ross*, *William Lord Cochrane*, *William Master of Cochrane*, the Lairds of *Houston* elder and younger, the Lairds of *Blackbald* elder and younger, *Sir Patrick Maxwell of Newark*, *Sir George Maxwell* fiar thereof, *Sir James Hamilton of Orbistoun*, *Alexander Cunningham*

Cunningham of Craigains, Pollock of that ilk, Sir John Shaw younger of Greinock, Cornelius Crauford of Fordanhil, the Laird of Bishoptoun younger, Alexander and John Peterfields elder and younger of Duchel, Patrick Fleming of Barnchano, George Howstoun of Johnstoun, John Maxwell of Blackestoun, Archibald Stewart of Scotistoun, John and James Maxwells elder and younger of Southbarn, James Brisbane of Serviland, Matthew Brisbane of Rosland, Sir Adam Blair of Lochwood, Andrew Sempil in Rensfrew, Robert Pollock of Milnburn, the Baylies of Paislie for the time being, and James Dunlop of Howsil.

Aberdeen.

For the Sheriffdom of *Aberdeen* and Burghs within the same, Colonel *George Keith of Aden, Alexander Frazer elder of Philorth, Sir John Gordoun of Haddoe, Sir John Forbes of Watertoun, Sir John Keith Knight Marshal, Sir James Baird of Achmedden, Robert Irwing of Feddere, George Gordoun of Cocharachie, John Gordoun of Blelack, Alexander Frazer younger of Philorth, Alexander Keith younger of Ludquhairn, John Udnie of that ilk, Major George Keith of Knock, Alexander Bannerman of Elfick, Bannerman his son, John Gordoun of Fechil, Lieutenant Colonel Forbers of Foulis, John Seaton of Thortoun, Alexander Straquhan younger of Glenkinidie, Frances Frazer of Kimmundie, Erskin of Pittodrick, Alexander Erskin of Rothnie, Alexander Lumsdaine of Cannday, Colonel John Fulertoun of Dudwick, John Meldrum of Hattoun, and John Gordoun of Auchleuchries, the Provost, Baylies, Treasurer, and Dean of Gild of Aberdeen for the time being, the Provost and two Baylies of Kintore for the time being, John Johnstoun Baylie of Inverurie, and William Ferguson younger Burgefs there.*

Ross.

For the Sheriffdom of *Ross* and Burghs within the same, Kenneth Earl of Seafort, Sir George Mackenzie of Tarbit, David Ross of Belnagonie, John Monro younger of Foulis, David Ross of Piscalnie, William Ross of Grunord, Walter Innes of Innerbreckie, Hector Douglas of Muldarg, Hector Mackenzie of Assint, Mr. Thomas Mackenzie of Inerlaet, Sir William Sinclair of May, William Sinclair of Dunbeath, Sir George Monro of Culkeirn, and James Hay Burgefs of Tain.

Kincardin.

For the Sheriffdom of *Kincardin* and Burghs within the same, William Earl of Marshal, John Earl of Middletoun, Robert Viscount of Arbuthnet, Alexander Lord Halkertoun, and in his absence Alexander Master of Halkertoun, Alexander Stratoun of that ilk, Sir John Keith, Alexander Bannerman of Elfick, and Bannerman his son, David Ramsay younger of Balmayn, Sir James Straquhan of Thortoun, Sir Robert Graham of Morpie, Sir Alexander Burnet of Leyes, Sir Frances Ogilvie younger of Newgrange, John Barclay of Johnstoun, Colonel Henry Barclay of Knox, Arthur Stratoun of Snadoun,

Falconer

ACT 14. King CHARLES the II. 1661. 35

Falconer of Glenforquhar, Robert Keith of Whitriggs, VVilliam Rait younger of Halgrein, Andrew Wood of Babignie, Allendes of Allendes, Sir James Ramsay of Benholme, Sir Alexander Carnagie of Pittaro, Andrew Arbuthnet of Fiddes, Mr. VVilliam Ramsay of Woodstoun.

Caithness.

For the Sheriffdom of *Caithness* and Burghs within the same,
 Earl of *Caithness*, Sir *William Sinclair* of *Mey*, *William Sinclair* of *Ratter*, *VVilliam Sinclair* of *Dumbeath*, *John Sinclair* of *Brims*,
Murray of *Pennicland*, *David Murray* of *Clairden*, *Robert Monro* of *Borlome*, *Alexander Sinclair* of *Telsten*, *David Sinclair*
 of *Dune*, Mr. *James Innes* of *Sandsaid*, *James Sinclair* of *Affere*, *Francis Sinclair* of *Stirkaike*, *Walter Innes* of *Ortoun*.

Orkney and Zetland.

For the Sheriffdoms of *Orkney* and *Zetland* and Burghs within the same,
 Earl of *Mortoun*, Colonel *John Stewart* of *Newmark*,
James Stewart of *Gramsay*, *Hugh Halcu* of that ilk, *Robert Stewart* of
Burgh, Mr. *Patrick Graham* *James Baikie* of *Tankerness*,
Patrick Monteith of *Egilshaw*, *Hugh Craigie* of *Gairsey*, *Patrick Blair*
 of *Little-Blair*, *Archibald Stewart* of *Burrough*, *George Smith* of *Rap-
 ness*, *John Sinclair* of *Quandail*, *James Sinclair* of *Skalloway*, *Andrew
 Bruce* of *Munis*, *William Bruce* of *Soundburgh*, Mr. *James Monat*
Gilbert Nivin, *Chein* of *Eslemont*, and *Robert Hunter*
 Factor for the Earl of *Mortoun*.

Forfar.

For the Sheriffdom of *Forfar* and Burghs within the same, (*Dundee*
 excepted) *James Earl* of *Buchan*, *Patrick Earl* of *Kinghorn*, *James*
Earl of *Southesk*, *Earl* of *Airlie*, *John Earl* of *Dundee*,
Robert Viscount of *Arbuthnet*, *James Lord* *Ogilvy*, *George Lord* *Bri-
 chan*, *David Lord* *Lour*, *James Lord* *Couper*, Sir *David Ogilvie* son
 to the Earl of *Airlie*, Sir *James Ogilvie* of *Newgrange*, *John Ogil-
 vie* of *Balsour*, Sir *John Carnagie* of *Boysack*, Sir *Alexander Erskin* of
Dun, *John Lindsey* of *Edgle*, *John Wood* of *Bonnytoun*, *John Gra-
 ham* younger of *Fentry*, *David Fotheringham* of *Pourie*, *John Garden*
 of *Latoun*, *David Erskin* of *Carboddo*, *William Fullertoun* of that ilk,
 Mr. *Robert Hay* of *Dronlaw*, *John Ogilvie* of *Pettenves*, Sir *John*
Carnegie of *Boniemune*, *James Scot* of *Logie*, *Peter Tamm* of *Seatoun*,
Walter Graham of *Duntronn*, *James Durham* younger of *Omachie*, *Pa-
 trick Lyon* of *Bridgtoun*, *William Lyon* of *Eastergill*, *Henry Mauld* of
Melgum, *William Gray* of *Innerichtie*, *John Fotheringham* of *Dunin*,
John Ogilvie of *Peil*, *Patrick Wentoun* of *Strickmarsine*, *James Crigh-
 toun* of *Ruthven*, *David Neavoy* of that ilk, *John Scrimger* of *Kirk-
 toun*, *John Hunter* of *Balgay*, Sir *Alexander Wedderburne* of *Blackness*,
 Mr. *Patrick Teaman* of *Dryburgh*, Mr. *James Kid* of *Craigie*, *Peter*
Lyon of *Cossans*, *Peter Blair* of *Dunkeny*, *David Carnegie* of *Craig*,
 and *Robert Arbuthnet* of *Fyndourie*, two of the Magistrates of *Forfar*,
Breichen, *Montrose* and *Aberbrothick*, for the time being.

For the Town of Dundee, comprehending as said is, the Magistrates and Council for the time being.

Berwick.

For the Sheriffdom of Berwick and Burghs within the same, Sir Archibald Cockburn of Langtoun, James Hoppringle of that ilk, John Home of Blaccader, Sir James Home of Eccles, Sir Robert Douglas of Blackerstown, John Home of Prandergeist, George Ramsay of Idingtoun, Mr. Robert Sinclair of Longformacus, George Home of Kaimbes, Robert Home of Kimerghame, Archibald Douglas of Lumsdaine, John Ker of Westnisbit, Patrick Boge of Burnhouses, Alexander Home of Linthil, Robert Home of Bogend, Mr. John Home of Bellita, Mr. Thomas Ridpesh of Falsfardlies, and the two Baylies of Lawder for the time being.

Nairn.

For the Sheriffdom of Nairn and Burghs within the same, Sir Hugh Campbel of Caddel, John Grant of Moynes, John Hay of Lochlow, Hugh Ross of Kilravock, Thomas Dunbar of Grange, Alexander Campbel of Urchney, Alexander Dunbar of Booth, John Sutherland of Kinsairie, Hugh Hay of Brichmony, Colin Campbel of Delneyes, John Ross of Braidley, Hugh Ross younger of Clava, two of the Magistrates of the Burgh of Nairn for the time being.

With power to the saids Commissioners or major part of them, to take trial of what Malt is brewed and sold within their respective divisions, and to order the collecting and raising of the Excise thereof, at two merks upon the Boll; and to raise the remainder of the proportion imposed upon each respective Shire and Burgh, which shall not arise by payment of the foresaid two merks upon the Boll of Malt, and of the rates imposed upon the other particulars above mentioned, brewed and sold or imported as said is, from the respective Shires and Burghs in lew of the Malt brewed in their own houses; and that according to the rule of the valuations as the same were apportionat before August last. As also, with power to the saids Commissioners to meet and convene at such times and places as they shall think fit, and to choose their own Conveners (who is to administer an Oath *De fidei administratione* to the remanent Commissioners at their first meeting, and take the same himself) and to appoint their own Collectors, and other Officers, except the Clerk, who is to be named by the Clerk of Register, and to modify necessar Fees for the saids Collectors, Clerks, and other Officers, and to sub-divide themselves for the more speedy and equal ordering of the said Excise. With power also to them to establish Offices of Excise (at which Offices, the whole Brewers are hereby required to make their entries, at least once every moneth, of their weekly brewing) and by Miller, Maltman, Oath of party, Witnesses, or any other lawfull manner of way to disprove the Entries given in, and to impose Fines upon the persons whose entries shall be so disproven, not exceeding the double of the value of the Malt conceal'd, and to discern and determine in all cases and debates, relating to the said Excise within

in their respective divisions; and for that effect to use all lawful manner of probacion as said is: And ordains general Letters to be direct *gratis* upon the saids Commissioners, their Decreets, at the instance of the respective Collectors; or otherwayes with power to the saids Commissioners, to poynd and distreinzie upon their own Decreets, quarter upon the Deficients, or imprison their persons till payment be made of the sums due by them, as well principal as expences; and which expences the saids Commissioners are hereby impowred to modifie. And it is hereby Declared, That there shall be no necessity to apprise the Goods of the Deficients at the Mercat Crosse, but that it shall be lawfull to apprise the same, at the nearest Paroch Church. And sicklike it is hereby Statute and Ordained, That the Commissioners of the respective Shires and Burghs shall be, and are obliged to pay in their respective proportions of the said Shires and Burghs to such as are, or shall be appointed by His Majesty, to receive the same at four terms in the year, *viz. Whitsunday, Lambmesse, Mertsmesse, and Candlemesse*, by equal proportions, beginning the first terms payment at *Lambmess* next, for the three moneths of *May, June, and July*, immediatly preceeding the same: And which Commissioners, are by these presents impowred to put in execution the whole forementioned Orders and Instructions, for raising and inbringing of the said Excise for their relief. As also the Kings Majesty, with advice and consent of His Estates of Parliament, gives power to the Lords of His Majesties Privy Council, to nominat and appoint Commissioners of Excise in the respective Shires and Burghs upon the death or inability of any of the Commissioners above-named.

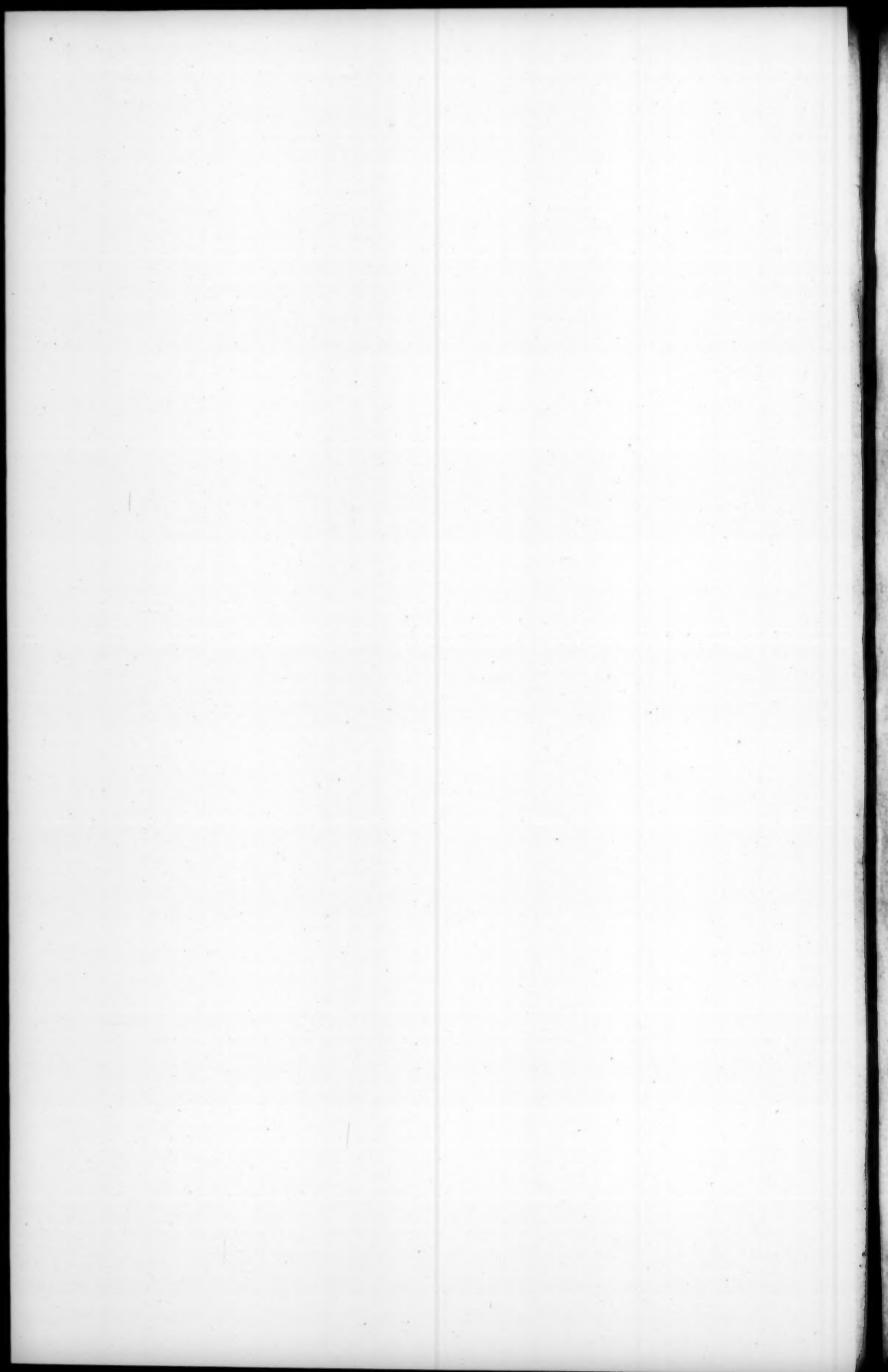
XV.

Act Rescinding and Annulling the pretended Parliaments, in the year 1640, 1641, &c.



He Estates of Parliament, considering that the Peace and Happiness of this Kingdom, and of His Majesties good Subjects therein, doth depend upon the Safety of His Majesties Person, and the Maintenance of His Royal Authority, Power and Greatness; And that all the miseries, confusions and disorders which this Kingdom hath groaned under, these twenty three years, have issued from, and been the necessary and natural products of these neglects, contempts and invasions, which in and from the beginning of these troubles, were upon the specious (but false) pretexts of Reformation (the common cloak of all Rebellions) offered unto the Sacred Person and Royal Authority of the Kings Majesty, and His Royal Father of blessed memory. And notwithstanding, that by the sacred Right, inherent to the Imperial Crown

Crown (which His *Majesty* holds immediately from GOD Almighty alone) and by the ancient constitution and fundamental Laws of the Kingdom; the power of convocating and keeping Assemblies of the Subjects; the power of Calling, Holding, Proroguing and Dissolving of Parliaments, and making of Laws; the power of entering into Bonds, Covenants, Leagues and Treaties; the power of raising Armes, keeping of Strengths and Forts, are Essential parts, and Inseparable privileges of the Royal Authority and Prerogative of the Kings of this Kingdom: Yet, such hath been the madness and delusion of these times, that even Religion it self, which holds the Right of Kings to be Sacred and Inviolable, hath been pretended unto, for warrand of all these injurious Violations and Incroachments, so publickly done and owned, upon and against, His *Majesties* just Power, Authority and Government; By making and keeping of unlawfull Meetings and Convocations of the people; By entering into Covenants, Treaties and Leagues; By seizing upon, and possessing themselves of, His *Majesties* Castles, Forts and Strengths of the Kingdom; and by Holding of pretended Parliaments, making of Laws, and raising of Armes for the maintaining of the same: And that not only without warrand, but contrary to His *Majesties* expresse Commands. And although the late Kings *Majesty*, out of His meer grace and respects to this His native Kingdom, and the peace and quiet of His people, and for preventing the consequences, which such a bad example and practice might occasion, to the disturbance of the peace of His other Kingdoms, was pleased in the year, one thousand six hundred and fourty one, to come into this Country, and by His own presence, at their pretended Parliaments and otherwayes, to comply with, and give way to, many things neerly concerning the undoubted Interest and Prerogative of the Crown, expecting that such unparallel'd Condescensions should have made His Subjects ashamed of their former miscarriages, and the very thoughts thereof, to be hatefull to them and their posterity for ever. Yet, such was the prevalency of the spirit of Rebellion that raged in many for the time, that not content of that peace and happiness, which even above their desires, was secured to them; nor of those many Grants of honour and profit, by which, His *Majesty* endeavoured to endear the most desperate of them to their duty and obedience, they then, when His *Majesty* had not left unto them any pretence or shadow of any new desire to be proposed, either concerning themselves or the Kingdom, did most unworthily engage, to subvert His *Majesties* Government, and the publick peace of the Kingdom of England: For which purpose, having joyned in a League with some there, they, for the better prosecution of the same, did assume unto themselves, the Royal Power, kept and held Parliaments at their pleasure; by the pretended Authority of which, they laid new exactions upon the people (which in one moneth did far exceed what ever by the Kings Authority had been raised in a whole year) levied Armes, sent out Edicts, requiring obedience unto their unlawfull demands; and with all manner of violence pursued such as out of duty to His *Majesties* Authority opposed them, by fines, confinements, imprisonment,



ment, banishment, death, and forfeiture of their posterity; and with their Army thus raised, invaded His *Majesties* Kingdom of *England*, and joyned with such as were in Armes against His *Majesty* there. And thus maintaining their usurped power, and violently executing the same against all Law, Conscience, Honour and Humanity, have made themselves instruments of much loss, shame and dishonour to their native Countrey, and have justly forfeited any favour they might have pretended to, from His *Majesties* former concessions. And forasmuch, as now it hath pleased Almighty GOD, by the power of His own right hand, so miraculously to restore the Kings *Majesty* to the Government of His Kingdoms, and to the exercise of His Royal Power and Sovereignty over the same, The Estates of Parliament do conceive themselves obliged, in discharge of their duty and conscience to GOD and the Kings *Majesty*, to imploy all their power and interest, for vindicating His *Majesties* Authority from all these violent invasions that have been made upon it, and so far as is possible, to remove out of the way, every thing that may retain any remembrance of these things, which have been so injurious to His *Majesty* and His Authority, so prejudicial and dishonourable to the Kingdom, and destructive to all just and true interests within the same. And considering, that besides the unlawfulness of the publick Actings during these troubles, most of the Acts in all and every of the Meetings of these pretended Parliaments, do highly incroach upon, and are destructive of that Sovereign Power, Authority, Prerogative and Right of Government, which by the Law of GOD and the ancient Laws and Constitutions of this Kingdom, doth reside in, and belong unto, the Kings *Majesty*, and do reflect much upon the honour, loyalty and reputation of this Kingdom, or are expired, and serve only as testimonies of disloyalty and reproach upon the Kingdom, and are unfit to be any longer upon Record. Therefore the Kings *Majesty* and Estates of Parliament, do hereby Rescind and Annul the pretended Parliaments, kept in the years, one thousand six hundred and fourty, one thousand six hundred and fourty one, one thousand six hundred and fourty four, one thousand six hundred and fourty five, one thousand six hundred and fourty six, one thousand six hundred and fourty seven, and one thousand six hundred and fourty eight, and all Acts and Deeds past and done in them, and Declares the same to be henceforth void and null. And His *Majesty*, being unwilling to take any advantage of the failings of His Subjects during those unhappy times, is resolved not to retain any remembrance thereof, but that the same shall be held in everlasting oblivion; and that all difference and animosities being forgotten, His good Subjects may in a happy union, under His Royal Government, enjoy that happiness and peace, which His *Majesty* intends, and really wisheth unto them as unto Himself, Doth therefore by advice and consent of His Estates of Parliament, grant His full Assurance and Indemnity to all persons that acted in, or by vertue of the said pretended Parliaments and other Meetings flowing from the same, to be unquestioned in their Lives or Fortunes; for any Deed or Deeds done by them in their said usurpation, or by vertue of any pretended Authority

rity derided therefrom, excepting alwayes, such as shall be excepted in a general Act of Indempnity, to be past by His *Majesty* in this Parliament. And it is hereby Declared, That all Acts, Rights and Securities, past in any of the pretended Meetings above written, or by vertue thereof, in favours of any particular persons, for their civil and private interests, shall stand good and valid unto them, untill the same be taken into further consideration, and be determined in this, or the next Session of this Parliament.

X V I.

Act concerning Religion and Church Government.

Ur Sovereign Lord, being truly sensible of the mercies of Almighty G O D, towards Him in His preservation, in the times of greatest trouble and danger, and in His miraculous Restitution to His just Right and Government of His Kingdoms. And being desirous to improve these Mercies, to the glory of G O D, and honour of His great Name, Doth with advice and consent of His Estates of Parliament, Declare, That it is His full and firm resolution to maintain the true reformed Protestant Religion, in it's purity of Doctrine and worship, as it was established within this Kingdom, during the Reigns of His Royal Father and Grand-father of blessed memory. And that His *Majesty* will be carefull to promote the power of Godliness, to encourage the exercises of Religion, both publick and private, and to suppress all prophaneſs, and disorderly walking. And for that end will give all due countenance and protection to the Ministers of the Gospel, they containing themselves within the Bounds and Limits of their Ministerial Calling, and behaving themselves with that submission and obedience to His *Majesties* Authority and Commands, that is suitable to the Allegiance and Duty of good Subjects. And as to the Government of the Church, His *Majesty* will make it His care, to settle and secure the same, in such a frame as shall be most agreeable to the Word of G O D, and most suitable to Monarchicall Government, and most complying with the publick peace and quiet of the Kingdom. And in the meantime, His *Majesty*, with advice and consent foresaid, Doth allow the present administration by Sessions, Presbyteries and Synods, (they keeping within the bounds, and behaving themselves as said is) and notwithstanding of the preceeding Act, rescissory of all pretended Parliaments, since the year one thousand six hundred and thirty eight.

ACT 17. King CHARLES the II. 1661. 41

XVII.

*Act for a Solemn Anniversary Thanksgiving, for
His Majesties Restauration to the Royal
Government of His Kingdoms.*



He Estates of Parliament of the Kingdom of Scotland, taking to their consideration the sad Condition, Slavery and Bondage; this ancient Kingdom hath groaned under, during these twenty three years Troubles: In which, under the specious pretences of Reformation, a publick Rebellion hath been, by the treachery of some, and mis-perswasion of others, violently carried on against Sacred Authority, to the ruine and destruction, so far as was possible, of Religion, the Kings Majesty, and His Royal Government, the Laws, Liberties and Property of the People, and all the publick and private interests of the Kingdom; So that Religion it self, which holds the right of Kings to be Sacred, hath been prostitute for the warrand of all these treasonable invasions made upon the Royal Authority, and disloyal limitations put upon the Allegiance of the Subjects. And hath it not also been pretended unto, for the warrand of all those vile and bloody Murthers, which in high contempt of Almighty GOD and of His Majesties Authority and Laws, were under colour of Justice committed upon His Majesties good Subjects, meerly for the discharge of their Duty to GOD, and Loyalty to the King? Hath not that Royal Government, under whose Protection this Nation hath, to the envy of the World, been so famous for many ages, been of late trode under foot, and new Government and Governours established and kept up without His Majesties Authority, and against His expresse Commands? Hath not Law, which is the Birth-right and Inheritance of the Subject, and the Security of their lives and fortunes, been laid in the dust, and new and unjust Edicts and Orders past and published, for subjecting both life and fortune, and what else was dear unto any of His Majesties good Subjects, to the Cruel and Ambitious Lusts of some usurping Rulers? Hath not Religion and Loyalty been the only objects of their Rapine and Cruelty? And hath not their new and arbitrary Exactions and Burdens upon the People, exceeded in one moneth what ever had been formerly in many years paid to any of the Kings of this Kingdom? And when the best of men and the most Excellent of the Kings of the earth, had in an unusual way of confidence rendred His Person to the Trust and Loyalty of His Native Subjects, was not the security of Religion pretended unto by some, who then governed in Church and State, for the ground of that base (and ever enough to be abhorred) transaction, in leaving such a Prince their Native and Dread Sovereign, to

the will of these who were in open Rebellion, and for the time had their swords in their hands against Him; And that when by these and many such like undutiful carriages, the Kings *Majesty* was removed from His Kingdoms, the foundations of this ancient and well constitute Government was overturned, the Liberties and Property of the people inverted; And this Kingdom exposed to be Captives and Slaves to Strangers, and nothing left unto them but the sad meditation of their increasing miseries, and the bitter remembrance of their by-past disloyalties: Yet even then it pleased Almighty G O D to compassionat their low condition, and by the power of His own Right-hand, most miraculously to restore the Kings most Sacred *Majesty* to the Royal Government of His Kingdoms; And thereby to redeem this Kingdom from its former Slavery and Bondage, and to restore it to its ancient and just Priviledges and Freedom. And the Kings *Majesty* acknowledging, with all humility and thankfulness, the Goodness, Wisdom and Power of G O D, in this Signal A^ct of His mercy to Him and His people, Doth, with advice and consent of His Estates of Parliament, Statute and Ordain, That in all time coming there be a Solemn yearly Commemoration of the same: And for that end, the twenty ninth day of *May*, (which day G O D Almighty hath specially honoured and rendred auspicious to this Kingdom, both by His *Majesties* Royal Birth, and by His blessed Restauration to His Government) be for ever set apart as a Holy day unto the L O R D, and that in all the Churches of the Kingdom, it be imployed in publick Prayers, Preaching, Thanksgiving and Praises to G O D, for so transcendent Mercies: And that all Trade, Merchandize, Work, Handy-labour, and other ordinary imployments be forborn, and the remaining part of the day spent in such lawfull diversifements as are futeable to so Solemn an occasion. And it is hereby recommended to all Ministers of the Gospel, and to all Sheriffs, Justices of Peace, and other publick Ministers in the several Counties, and to all Magistrates within Burghs, to be careful, that for this present year, and in all time coming, the twenty ninth day of *May*, be accordingly kept and observed within their several Jurisdctions. And for the speedier and more full intimation hereof to all His *Majesties* Subjects, It is Appointed thir Presents be printed, and published at all the Mercat Crosse of the Royal Burroughs.

XVIII.

A^ct for the due Observation of the Sabbath-day:



He Kings *Majesty* considering, how much it concerns the honour of G O D, that the Sabbath-day be duly observed, and all abuses thereof restrained; And that notwithstanding of several A^cts of Parliament made in that behalf, particularly the third A^ct of the sixth Parliament of King *James* the sixth of blessed memory, the said day hath been much prophaned by Salmond-fishing, going of Salt-pans, Milnes and Killies,

ACT 19. King CHARLES the II. 1661. 43.

Killes, hiring of Shearers, and using of Merchandize on that day and otherwyes. Therefore our Sovereign Lord, with advice and consent of His Estates of Parliament, Ratifies and approves all former Acts of Parliament made for observation of the Sabbath-day, and against the breakers thereof; And by these presents Inhibits and Discharges all Salmond-fishing, going of Salt pans, Milnes or Killes; all hiring of Shearers, carrying of Loads, keeping of Mercats, or using any sorts of Merchandize on the said day, and all other prophanation thereof whatsoever, under the pains and penalties following, *viz.* The sum of twenty pounds *Scots* for the going of ilk Salt pan, Miln or Kill on the said day, to be paid by the Heritors and Possessors thereof; and the sum of ten pounds for ilk Shearer and Fisher of Salmond on the said day, the one half thereof to be paid by the Hirers and Conducers, and the other half by the persons hired; and the said sum of ten pounds for every other prophanation of the said Day: And which Fines and Penalties are to be uplifted and disposed of, in manner contained in the Act and Instructions anent the Justices of Peace; and if the party Offender be not able to pay the penalties foresaid, then to be exemplarly punished in his body, according to the merit of his fault.

XIX.


Act against Swearing and Excessive Drinking.



Ur Sovereign Lord, being desirous that all His Subjects within this Kingdom, may live a quiet and peaceable life under His Government, in all godliness and honesty; and in order thereto, having resolved to curb and suppress all sort of sin and wickedness, and especially these abominable and so much abounding sins of Drunkenness and all manner of Cursing and Swearing. Therefore our said Sovereign Lord Ratifies and Approves all Acts of Parliament, made in former times against the said crimes, or either of them. And further Declares, That each person, who shall Blaspheme, Swear or Curse; and whosoever shall Drink into excess, shall be lyable in the pains following, according to the quality of the offenders; *viz.* Each Nobleman in twenty pounds *Scots*, each Barron in twenty Merks, each Gentleman, Heritor or Burges in ten Merks, each Yeoman in fourty shillings, each Servant in twenty shillings *toties quoties*, each Minister in the fifth part of his years Stipend: and that the saids Fines and Penalties be uplifted and disposed upon, in manner contained in the Act and Instructions anent the Justices of Peace. And if the partie Offender, be not able to pay the penalties foresaid, then to be exemplary punished in his body, according to the merit of his fault.


X X.

Act against Cursing and Beating of Parents.

 Ur Sovereign Lord, and Estates of Parliament, considering how great and atrocious a crime it is, for Children to Beat or Curse their Parents; And how the Law of GOD hath pronounced just sentence of death against such, as shall either of these wayes injure either of their Parents. Therefore His Majesty with advice of His said Estates, Doth hereby Statute and Ordain, That whatsoever, Son or Daughter, above the age of sixteen years, not being distracted, shall Beat or curse either their Father or Mother, shall be put to death without mercy: and such as are within the age of sixteen years, and past the age of pupillarity, to be punished at the arbitrement of the Judge, according to their deservings, that others may hear and fear, and not do the like.

X X I.

Act against the Crime of Blasphemy.

 Ur Sovereign Lord, and the Estates of Parliament considering, that hitherto there hath been no Law in this Kingdom, against the horrible crime of Blasphemy. Therefore, His Majesty, with advice of His said Estates, Doth hereby Statute and Ordain, That whosoever hereafter, not being distracted in his wits, shall rail upon, or curse GOD, or any of the Persons of the blessed Trinity, shall be proccessed before the chief Justice; and being found guilty, shall be punished with Death. Likeas, His Majesty, with advice foresaid, Findes, Statutes and Ordains, That whosoever hereafter shall deny GOD, or any of the Persons of the blessed Trinity, and obstinately continue therein, shall be proccessed, and being found guilty, that they be punished with Death. As also, His Majesty, with advice and consent foresaid, Declares, That all persons who have committed the foresaid Crimes since the seventeenth of February, one thousand six hundred and forty nine, shall be proccessed against according to this Act; and Ratifies all by-gone Decrets and Judicial Proceedings, against any person committer of the said Crimes since the foresaid date, which have been pronounced and done against the saids Committers, according to this present Act. And Declares, That the pronouncers and extcutors of the saids Sentences shall never be questioned therefore, in any manner of way, but are, and shall be, hereby secured, no less then if this Act had been of the foresaid date.

XXII.

ACT concerning the severall degrees of Casual Homicide.



Our Sovereign Lord, with advice and consent of the Estates of this present Parliament, for removing of all question and doubt that may arise hereafter in Criminal pursutes for Slaughter, Statutes and Ordains, That the cases of Homicide after following; viz. Casual Homicide, Homicide in lawfull defence, and Homicide committed upon Theeves and Robbers breaking houses in the night; or in case of Homicide the time of masterfull Depredation, or in the pursute of denounced or declared Rebels for Capital Crimes, or of such who assist and defend the Rebels and masterfull Depredators by Armes, and by force oppose the pursute and apprehending of them, which shall happen to fall out in time coming, nor any of them, shall not be punished by death: And that notwithstanding of any Laws or Acts of Parliament, or any practick made heretofore or observed in punishing of Slaughter, but that the Manslayer, in any of the cases aforesaid, be assoillied from any Criminal pursute pursued against him for his life, for the said Slaughter, before any Judge Criminal within this Kingdom. Providing alwayes, that in the case of Homicide casual, and of Homicide in defence; notwithstanding that the slayer is by this Act, free from Capital punishment; Yet it shall be leisum to the Criminal Judge, with the advice of the Council, to fine him in his means, to the use of the defuncts wife and bairns, or nearest of kin, or to imprison him. And His Majesty with advice foresaid, Declares, That all decision given, conform to this Act, since the thirteenth of February, one thousand six hundred and fourty nine years, shall be as sufficient to secure all parties interestted, as if this present Act had been of that date: And that all cases to be decided by any Judges of this Kingdom, in relation to casual Homicide, or Homicide in defence, committed at any time heretofore, shall be decided as is above expressed.

XXIII.

Act Ratifying the Priviledges of the Colledge of Justice.



Our Sovereign Lord considering, that nothing is more necessary and of more universal concernment, then the Administration of Justice; and in order thereto, that the Judges, Advocats, Clerks and other Members of the Supream Judicatory, should be faithfull, able and qualified persons; and for their encouragement to serve the Countrey in their respective stations and places

places, and to undergo the great toil, trouble and expence of time, and otherwayes for inabling them for, and during their service therein, It hath been the wisdom and practice of all Princes and Nations, and in special, of His *Majesties* Royal Progenitors, to grant them diverse Liberties and Priviledges, as is evident by many Acts of Parliament and Statutes concerning the Priviledges and Immunities of the Colledge of Justice, and members thereof, Granted, Renewed and Ratified from time to time. Therefore His *Majesty*, with advice and consent of His Estates of Parliament, Ratifies and Approves all and whatsoever Liberties, Priviledges and Immunities, given and granted by His *Majesties* Royal Prodecessors, to, and in favour of, the said Colledge of Justice, and of the Senators, Advocats, Clerks, Writers to the Signet, and remanent Members of the same, or whereof they have been in use and possession in any time by-gone, together with all Laws, Acts of Parliament, Statutes and Constitutions, made and conceived in their favours; Holding and Declaring this present Ratification to be as sufficient as if all the foresaids Priviledges, Freedoms and Immunities, Acts, Statutes and Grants, of and concerning the same, were in special and at length exprest herein. And His *Majesty*, with advice and consent foresaid, Ordains and Declares, That the whole Priviledges, Liberties and Immunities foresaid, granted and belonging to the ordinary Lords and Senators of the Colledge of Justice, shall be extended, belong and appertain to, and enjoyed by, the Advocats, Clerks, Writers to the Signet, and remanent Members of the said Colledge of Justice, in all time coming, notwithstanding of whatsoever Act, Custome or practice to the contrare.

X X I V.

*Act concerning Appearand Heirs, their payment of
their Predecessors and their own Debts.*



Ur Sovereign Lord, with advice and consent of the Estates of Parliament, taking into consideration, that Appearand Heirs immediately after their Predecessors death, do frequently dispoise their Estate in whole or in part, in prejudice of their Predecessors lawfull Creditors, before their death come to their knowledge, or before they can do lawfull diligence against the saids Appearand Heirs; and which Dispositions the saids Appearand Heirs do often make before they be served Heirs and Infeft; Or otherwayes, by collusion they suffer their Predecessors Estates to be comprised or adjudged from them for payment of their own proper Debts, reall or simulate, without respect of their Predecessors Creditors. And His *Majesty*, considering how just it is, that every mans own Estate should be first liable to his own Debt, before the Debts

ACT 25. King CHARLES the II. 1661. 47

Debts contracted by the Appearend Heirs. Therefore His Majesty, with consent foresaid, Declares, That the Creditors of the defunct shall be preferred to the Creditors of the Appearend Heir in time coming, as to the defuncts estate; Providing alwayes, that the defuncts Creditors do diligence against the Appearend Heir and the real Estate belonging to the defunct, within the space of three years after the defuncts death. And because it were most unreasonable, that the Appearend Heir, when he is served and retoured Heir, and infest *respective*, should for the full space of three years, be bound up from making Rights and Aliénations of his Predecessors Estate; and yet it being as unreasonable that he should dispoñe thereupon immediatly or shortly after his Predecessors death, in prejudice of his Predecessors Creditors, he having year and day to advise whether he will enter Heir or not. Therefore it is hereby Declared, That no Right or Disposition made by the said Appearend Heir, in so far as may prejudice his Predecessors Creditors, shall be valid, unless it be made and granted a full year after the defuncts death.

XXV.

Act for Denouncing of Excommunicate Persons.



Our Sovereign Lord, with advice and consent of His Estates of Parliament, considering the insolency of excommunicate Papists and others, who slight the dreadfull Sentence of Excommunication, to the dishonour of GOD, and obduring of their own hearts; Doth therefore Ratifie and Approve all Acts of Parliament and Acts of Privy Council, standing before the year one thousand six hundred and fourty, against Excommunicate Persons. And Statutes and Ordains, That in time coming, fourty dayes being past after the said Sentence of Excommunication, Letters be direct at the instance of His Majesties Advocate, for denouncing all Excommunicate persons, His Majesties Rebels, and putting them to the Horn, and that by Warrant of the Lords of Privy Council or Session: which denunciation being used, by vertue of the saids Letters, at the Mercat Crofs of *Edinburgh* and Peit of *Lieth*, is hereby Declared, to be sufficient against them, and for using of Captiõ thereupon, and taking of the Escheat and Liferent of the Rebels, conform to the standing Laws of this Kingdom. Providing alwayes, that before the passing of any such Letters of denunciation, the whole Process and Sentence of Excommunication be exhibite and produced before the Lords of Session, in Session-time, to the end, that they may consider the legality of the processe and grounds whereupon the Sentence proceeded: and that accordingly they may give forth the saids Letters of denunciation, as they shall think just and reasonable.

XXVI.

Act appointing the Pursuer of the Theif, to have the Goods stolen from him, restored.



Our Sovereign Lord understanding, that when Theives are taken and execute for theft, or declared Fugitives, their whole estate and the goods stolen also, doth fall to His Majesty and to Lords of Regalities, and other Justitiars pretending right to the saids stolen goods. For remeed whereof, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That any person having goods or gear stolen from him, and having pursued the stealer thereof, shall have his own goods again, where ever the same can be apprehended: and where the stolen goods cannot be had, the Pursuer of the Theif, shall have the just value of the goods and gear stolen from him, out of the readiest of the Theifs goods, with the expences waired out by the Pursuer, he alwayes pursuing the Theif, *usque ad sententiam*, Reserving alwayes to the Sheriff or other Magistrates, and taker of the Theif, the expences waired out by them in the taking and putting the Theif to execution.

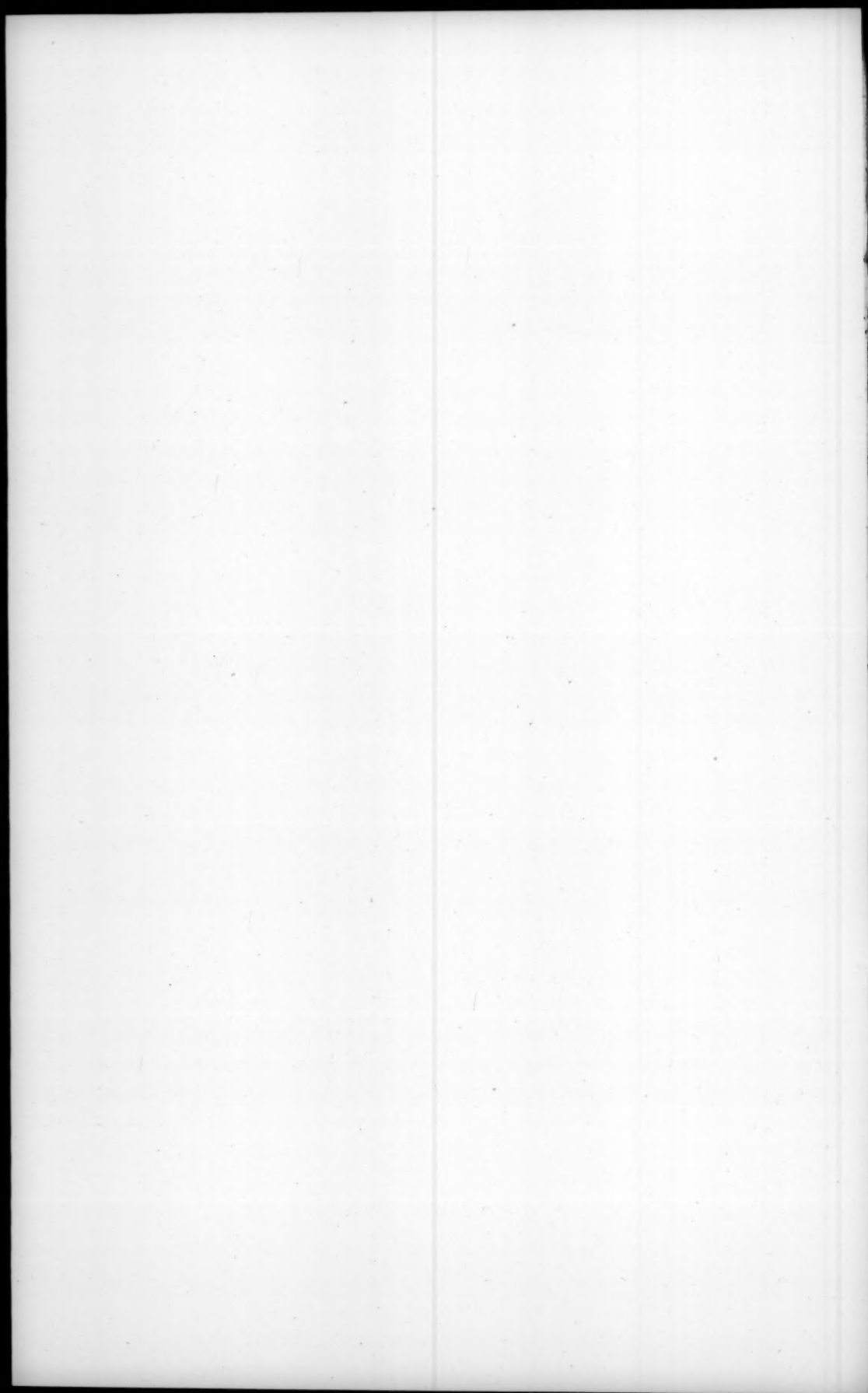
XXVII

Act for the Pardon of Penal Statutes.




Our Sovereign Lord considering, that the precise and rigorous exaction of the Pain, Arbitrary and Pecunial, adjected to Penal Statutes heretofore made, would prove a burden to His Majesties Leiges, heavy and unsupportable, if by His Majesties grace and favour they should not be eased and liberate of the same. In consideration whereof, His Majesty, being willing to give ease and relief to His Subjects of the foresaid burden, Hath therefore been graciously pleased, with consent of His Estates of Parliament, to Discharge, freely Pardon and Remit, and by these presents Discharges, freely Pardons and Remits, all Contraveeners of any of the saids Penal Statutes, for all Deeds done by them, contrair to the tenor of the same Statutes, in time by-gone, except only the Statutes concerning the unlawfull taking of Usury, Transporting of Silver and Gold, and Slaying of Red and Black Fishes, which are no wayes discharged by this present Act, nor comprehended under the same.

Act




XXVIII.

Act discharging the Quots of Testaments.

 Ur Sovereign Lord, with advice and consent of His Estates of Parliament, for many weighty considerations moving His Majesty, Statutes and Ordains, That no Quots or Testaments, confirmed since the fixteenth of November, one thousand six hundred and fourty one, and to be confirmed in time coming, shall be exacted from any of His Majesties Leiges by Commissars, Commissar-Clerks, Fiscals, and others whom it effects, but prejudice alwayes of the ordinary Fies due to them as accords.

XXIX.

ACT for Poynding upon Sberiffs and Comonissars Decreets.

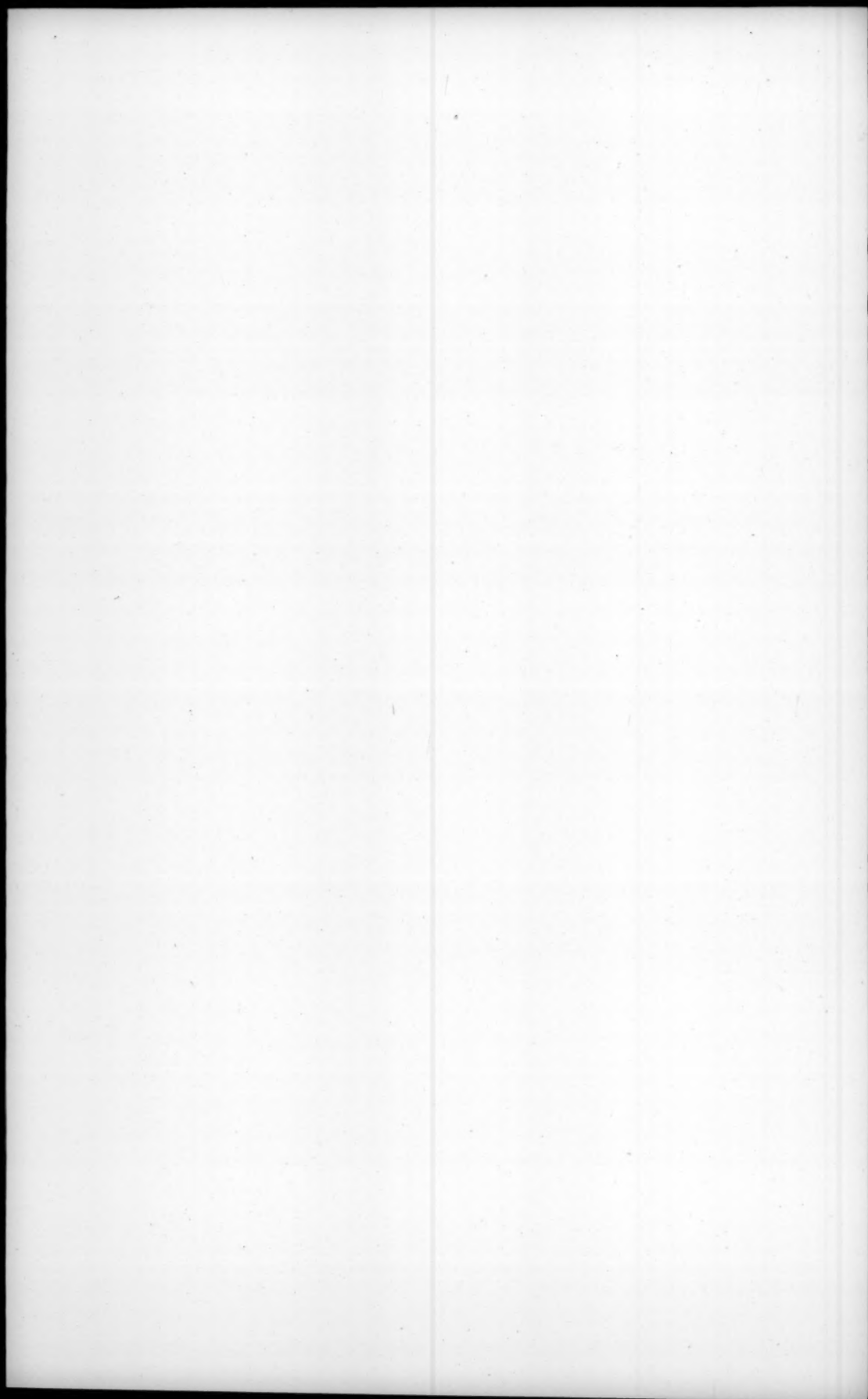
 Ur Sovereign Lord and the Estates of Parliament, considering, That albeit by Act of Parliament, of the date the ninth of July, one thousand six hundred and six years, Letters of Horning are Ordained to be directed by deliverance of the Lords of Session upon Sheriffs, Commissars, and other inferior Judicatories their Decreets, upon the simple charge therein mentioned: Yet, the Act bears no warrand for Letters of Poynding to be granted by the deliverance foresaid upon these Decreets; whereby the Parties interessed, obtainers of the Decreets, are oftentimes prejudged of their payment, when these Parties, against whom these Decreets are obtained, do flit or remove out of the Shire or Jurisdiction of the Judge before whom the saids Decreets are given. Therefore His Majesty, with advice of the saids Estates, Ratifies the Act of Parliament above mentioned, in the whole heads and points thereof: And for remedy of the prejudice foresaid, Ordains Letters of Poynding to be direct by deliverance of the Lords of Session, at the instance of the Parties interessed, upon the saids Sheriffs, Commissars, and other inferior Judges their Decreets contained in the foresaid Act, Sicklike and in the same manner, as Letters of Horning are appointed by the said Act to pass upon the same Decreets, that thereby the Parties may have real execution, as well as personal upon their Decreets foresaids. Likeas, His Majesty, with advice and consent foresaid, Declares, That all execution of Poynding, legally used upon the saids Decreets since the twelfth of June, one thousand six hundred and fourty nine years, shall be valid and sufficient, and the Parties, Messengers and others, Executors and ushers thereof, shall never be questioned, nor

any Proceſs ſuſtained againſt them therefore, either Civilly or Crimi-
nally, before any Judge whatſomever; But prejudice alwayes to
Parties againſt whom Poynding have been uſed; upon reduceable or
unwarrantable Sentences, to purſue repetition as accords of the Law.

XXX.

Act anent the Fewers and Vaſſals of Kirk-lands.

Our Sovereign Lord; with advice and conſent of
the Eſtates of this preſent Parliament, conſidering,
That whereas by the general Surrender of Kirk-
lands and Erections made by the Superiors and
Titulars thereof, in favours of His *Majeſties*
deareſt Father of ever bleſſed memory; It is ſpe-
cially provided, that the ſaids Superiors and Ti-
tulars, notwithstanding their Surrender fore-
ſaid, ſhall have right to the Few-fermes and Duties of the Vaſſals and
Fewers of the ſaid Kirk-lands and Erections, till the Kings *Majeſty*
make payment to them of the prices of the ſaids Few-fermes and
Duties, modified by the Lords and others of the Commiſſion
for Surrenders and Teinds. And ſicklike the Fewers and Vaſſals
of the ſaids Kirk-lands and Erections, are obliged by their new
Infeſtments under the great Seal, to pay the ſaids Few-fermes and
Duties to the Kings *Majeſty* and His Succeſſors; and ſo againſt rea-
ſon may appear to be lyable to double payment thereof: It is
therefore Statute and Ordained by His *Majeſty*, with conſent foreſaid,
That the ſaids Fewers and Vaſſals of Kirk-lands and Erections, their
Heirs and Succeſſors; ſhall be obliged to make thankfull payment of
the ſaids Few-fermes and Duties contained in their Infeſtments; and
whereof the ſaids Superiors and Titulars have been in poſſeſſion pre-
ceeding that Surrender foreſaid, to the ſaids Superiors and Titulars, their
Heirs and Succeſſors, ay and while they get payment of the prices
modified by the ſaids Lords and others of the Commiſſion foreſaid,
according to the Act of Parliament, one thouſand ſix hundred and
thirty three years. And that Letters of Horning and Poynding ſhall be
granted to that effect, without prejudice alwayes to His *Majeſty* and
His Succeſſors, of the ſuperiority of the ſaids Fewers and Vaſſals
ſurrendred in manner foreſaid, and without prejudice to them of their
Infeſtments taken to be holden of His *Majeſty* and His ſucceſſors.
Likeas it is Declared, That the ſaids Fewers and Vaſſals of Kirk-lands
and Erections have been, *in bona fide*, in payment of the ſaids Few-
fermes and Duties to the ſaid Superiors and Titulars of all times by-
gone, according to the provisions contained in the ſaid general Sur-
render. It is alwayes provided, that this Act ſhall not be prejudicial to an
Act paſt by this Parliament in favours of the Earl of *Lauderdaill* of
the Lordſhip of *Musſelburgh*, of the date the ninth day of *April* laſt.



X X X I.

An Act concerning the Registration of Comprisings



Our Sovereign Lord, with consent of the Estates of Parliament, considering, that the Registration of Comprisings, was only established by an Act of Secret Council, and never authorized by any Law, or Act of Parliament, and that the Registration thereof did put the Lieges to unnecessar charges: neither adding to the validity of the Comprisings, nor to the benefit of the Comprisers: Hath therefore discharged, and by these presents discharges all Registration of Comprisings, with all Gifts, Acts of Council, and other Warrands and Custome whatsoever, granted and observed, at any time heretofore thereanent; and by this presents Ratifies and Approves the Custome observed these many years past; whereby, in place of the said Registration, a short Record of all comprisings of Lands, Teinds and others, and of the Comprisers names and designations, the Defenders names, the Debts for which the Comprising is deduced, the Messengers and Clerks names, the date of the Executions, the Witnesses names thereto, and of the Superiors of whom the comprised Lands are holden; hath been made in a Book by the Clerk of Register and his Deputs, at the allowing of the saids Comprisings, (for which Allowance and Recording, there is only forty shillings *Scots* to be paid) and which Custome is very usefull and necessar for information of the Lieges. And therefore His Majesty, with advice and consent foresaid, Ratifies and Approves the foresaid Custome, and Ordains all Comprisings formerly deduced and not allowed and recorded in manner above-written, to be brought in to the Clerk of Register and his Deputs, within threescore days after the publication hereof, and all Comprisings to be led and deduced hereafter, to be brought in to the said Clerk of Register and his Deputs, within threescore days after the date thereof. With certification, that if they be not allowed and recorded within the said space, any other Comprising though posterior in date, yet if it be allowed and recorded before the prior Comprising, the same shall have preference according to the date of the allowance and Record, but prejudice alwayes to any further diligence by Infeftments, or charges against the Superior, according to the priority or posteriority thereof, *prout de jure.*

XXXII.

Act concerning Heritable and Moveable Bonds.

Our Sovereign Lord, with advice and consent of His Estates of Parliament, for many just and reasonable causes moving Him, Statutes and Ordains, That all Contracts and Obligations for Sums of money payable to Parties at any time, made and dated since the sixteenth day of *November*, one thousand six hundred and forty one, or to be made in time coming, containing clauses for payment of Annualrent and Profit, are, and shall be, holden and interpret to be Moveable Bonds, except in these cases following; *viz.* That they bear an expresse obligeement to infest, or that they be conceived in favours of Heirs and Assignes, secluding Executor, in either of which cases, Ordains the Sum to be Heritable, and to pertain to the Heir: otherwayes to be confirmed by the Executor, and to appertain to the nearest of Kin, and to the Defuncts Executors and Legators, according to the Law and practiſe of Moveables, Declaring alwayes, that all such Bonds *quoad fiscum*, shall remain in the same condition as they were before the said sixteenth of *November*, one thousand six hundred and forty one, not to fall under the compals of single Escheat, nor shall any part thereof pertain to the Relict, *jure relicta*, where the Bonds are made to the Husband, nor to the Husband *jure mariti*, where the Bonds are made to the Wife, unless the Relict, or Husband, have otherwayes right and interest thereto, Declaring nevertheless, that this provision shall no wayes prejudice Wife, nor Husband, and their Executors of their respective Titles and Interest to the by-gone Annualrents of the saids Bands, resting before either of their deaths.

XXXIII.

Act for the right Packing of Salmond.

Our Sovereign Lord and Estates of Parliament, understanding, that the Salmond-fishings are one of the principal benefits, whereby Trade is maintained, and Money brought into the Kingdom; And that through the evil ordering thereof, both in the insufficiency of the Barrels, and also in the disloyal packing of the same; not only is the Merchants estate damnified thereby, but also the Nation is dishonoured abroad, and disappointed of what should return thereby. Therefore, Our said Sovereign Lord, with advice and consent of the saids Estates, Ratifies and Approves all and sundry Acts of Parliament, Laws and Constitutions

ACT 34. King CHARLES the II. 1661. 53

Constitutions of this Realm, made anent Salmond-fishing, and the sufficiency of the Barrels and loyal packing thereof, with this addition: That the whole Coupers within this Kingdom, make the said Salmond Barrels of good and sufficient new Knappel, for which they shall be answerable, without Worm-holes, and White-wood; and of sufficient tightness, for containing the pickle, and sufficient tightness for enduring all kinde of stress in the handling; and that the Barrels contain no less then ten gallons of the *Stirling* pint, (conform to an Act of His *Majesties* Council, of the date at *Halysrood house* the fiftenth day of *July*, one thousand six hundred and nineteen years, which His *Majesty* with consent foresaid, Ratifies and Approves, in all the Heads, Clauses and Articles thereof) under the pain of five pounds, to be paid by the Couper, for each insufficient Barrel and escheat of the said Barrel, and that the same be well pinned in the pickle before the packing; and thereafter the said Barrels to be well tighted and double-girthed before the transporting thereof to Forraign Nations. And that no Barrel be sooner made and blown, but the Coupers Birn be set thereon, on the tapone-staff thereof, in testimony of the sufficiency of the Tree, and that every Couper be answerable and liable in payment of such loss as shall happen to be laid on the Fish at the Mercat, if it be found to be in the default of the Couper by the insufficiency of the Tree, or packing, or any other means in the Coupers default, and that they keep right gage, both in the length of the staves, the bilge-girth, the wideness of the head, and deepness of the chine; the Barrel being made, marked, and thrice gene in the packing, shall be marked with the Marking iron, under a very particular Merchant mark, as use is. And that no Burgh, or any other trading with Salmond, shall presume to counterfeit the Mark or Birn, of an other trade, under the pain of confiscation of the Salmond, by and attour the punishment of the parties counterfeiters, at the pleasure of the Judge ordinar; the one half of the said pain to pertain to His *Majesty*, and the other half to the Burgh so wronged, and ordains the the Magistrates within Burgh to put this Act to execution.

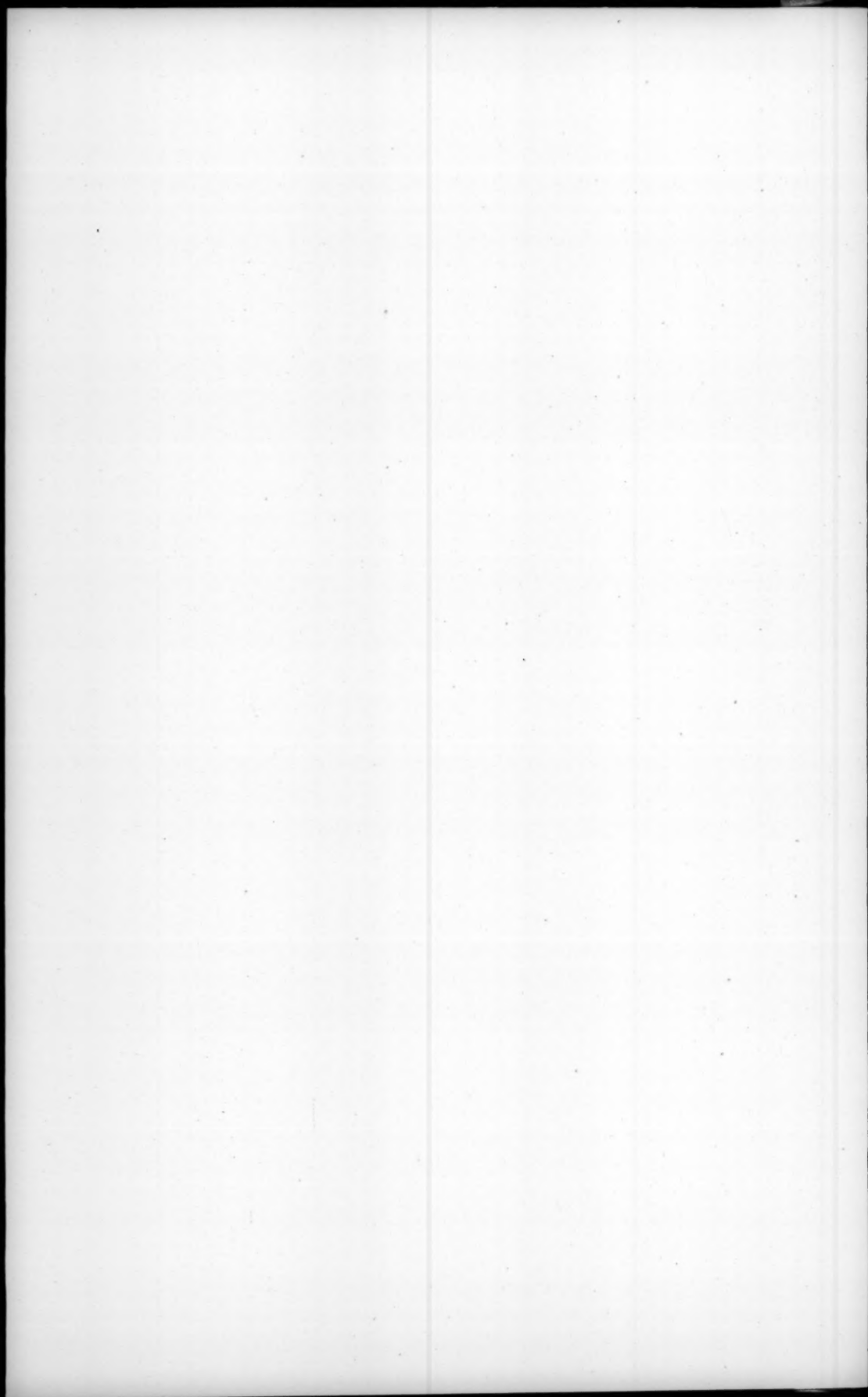
XXXIV.

Act against Glandestine and unlawfull Marriages.



Ur Sovereign Lord, and the Estates of this present Parliament, considering how necessary it is, that no Marriage be celebrate, but according to the laudable order and constitution of this Kirk; and by such persons, as are by the Authority of this Kirk warranted to celebrate the same. And that notwithstanding hereof, sundry, either out of disaffection to the Religion presently professed in this Kingdom, or being desirous to eschew the Censures of this Kirk, or to satisfie their promise of Marriage formerly made to others, or to decline the concurrence

rence and consent of their Parents or others having interest, or out of some other unlawfull pretext, do procure themselves to be Married, and are Married either in a Clandestine way, contrary to the established order of the Kirk, or by Jesuits, Priests, Deposed or Suspended Ministers, or any other not authorized by this Kirk. Therefore His *Majesty*, with advice of His saids Estates, Statutes and Ordains, That whatsoever person or persons, shall hereafter Marry, or procure themselves to be Married in a Clandestine and in orderly way, or by Jesuits, Priests, or any other not authorized by this Kirk; that they shall be imprisoned for three moneths; and beside their said imprisonment shall pay, Each Nobleman, one thousand pounds *Scots*; each Barron and landed Gentleman, one thousand merks; each Gentleman and Burgesse, five hundred pounds; each other person, one hundred merks; and that they shall remain in prison, ay and while they make payment of these *respective* penalties above-mentioned, which are hereby ordained, to be applyed to Pious uses, within the severall Paroches where the saids persons dwells. And that the Celebrator of such Marriages be banished the Kingdom, never to return therein, under the pain of Death. Likeas, His *Majesty*, with advice foresaid, Prohibites and Discharges all men and women, having both their ordinar residence within this Kingdom, to get Marriage to themselves with others within the Kingdom of *England*, or *Ireland*, without Proclamation of Banns here in *Scotland*, and against the Order and Constitution of this Church, or Kingdom, under the pains following, *viz.* For each Nobleman so Married, one thousand pounds; for each landed Gentleman, one thousand merks; for each Burgesse, five hundred pounds; and for each other Substantious person, five hundred merks; for an Yeoman, one hundred pounds; for each person of inferiour quality, one hundred merks; the one half of the which penalties, shall belong to the Kings *Majesty*, the other to the Paroch, or Paroches where the Married parties did reside; and Ordains His *Majesties* Advocat, and the Procurator for the Kirk, to pursue before the civil Judge, the Parties Contraveeners of this Act, or either part thereof, for payment of the penalties *respective* above-mentioned, and in case of the poor condition of any man, Married in manner foresaid, Ordains him to be punished with Stocks and Irons: which pains, corporal and pecunial, shall no wayes be prejudicial to, or derogat from the Order, and Censures of the Kirks, to be inflicted against the Delinquents.



XXXV.

An Act concerning the Election and Charges of the Commissioners from Shires to the Parliament.

His Kings Majesty considering, That divers debates have formerly occurred, concerning the persons who ought and should have vote in the election of Commissioners from the severall Shires of this Kingdom to Parliament, and who are capable to be Commissioners to Parliaments; and that it is necessary for the good of His service, that the same be cleared for the future, Doth therefore, with advice and consent of His Estates of Parliament, Statute, Enact and Declare, That beside all Heritors who hold a fourty shillings Land of the Kings Majesty *in capite*; that also all Heritors, Liferenters and Wodsetters holding of the King, and others who held their Lands formerly of the Bishops or Abbots, and now hold of the King, and whose yearly Rent doth amount to ten chalders of victual or one thousand pounds (all Few Duties being deducted) shall be, and are capable to vote in the election of Commissioners of Parliaments, and to be elected Commissioners to Parliaments; excepting alwayes from this Act, all Noblemen and their Vassals. And it being just, that those who shall be chosen, and accordingly shall attend His Majesties and the Kingdoms service in Parliaments, have allowance for their charges, His Majesty doth therefore, with advice foresaid, Modifye and Appoint five pounds Scots of daily allowance to every Commissioner from any Shire, including the first and last dayes of the Parliament, together with eight dayes for their coming, and as much for their return, from the furthest Shires of *Caithness* and *Sutherland*; and proportionably at nearer distances; and that the whole Free-holders, Heritors and Liferenters, holding of the King and Prince, shall according to the proportion of their Lands and Rents, lying within the Shire, be lyable and obliged in the payment of the said allowance, excepting Noblemen and their Vassals. For payment of which, all execution of Horning, Poynding and Quartering is to passe, as for raising of the Excise; and that according as the time and dayes of the Parliament shall be attested under the Clerk of Registers hand. And because at this time, some Commissioners of Shires have been put to extraordinary expences in providing of Footmantles for the riding of the Parliament; It is hereby Statute, That the Commissioners shall be relieved of the prices thereof, to be given in under their hands; and that the prices of the Footmantles be raised in the same way and by the same execution, with the daily allowance aforesaid; the Commissioners alwayes, at the rising of each Parliament, making the Footmantles forthcoming to the Shire, to be disposed as they shall think fit.

XXXVI.

Act anent Presentation of Ministers.

INASMUCH as the Kings most Excellent *Majesty*, considering how necessar it is for the right and orderly administration of Gods Worship, and the exercises of Religion, and for keeping of His good Subjects within their duties they owe to GOD, to His *Majesty*, to their native Country and fellow Subjects, especially at this time after so many confusions and distractions, both among Church-men and others; That more then ordinary care be had in presenting of Ministers to all such Kirks as are, or shall be vacant within this Kingdom; hath given particular Commission under His great Seal, as to all Presentations to all Personages, Vicarages, and other Benefices and Kirks at His *Majesties* presentation. And as to all other Benefices and Kirks, where of the presentation belongs to any other Patron or Patrons whatsoever, His *Majesty*, with advice and consent of His Estates of Parliament, Statutes and Ordains, That all Patrons or Persons whatsoever, who hath, or pretends any right to the Presentations to any Patronages, Vicarages, or other Benefices of cure, Kirks or modified Stipends; be careful in all time coming, that Presentations to these Benefices, Kirks or Stipends, be granted by them to such persons only, as shall give sufficient evidence of their Piety, Loyalty, Literature and peaceable Disposition; And shall, in presence of the Patron or his Attorney, and of the Sheriff of the Shire, Stewart of the Stewartry, or heretable Bailly or Commissar of the bounds, if it be in the Country, and of the Magistrates of the Burroughs within the Burgh, before the granting and their accepting the Presentation, take and subscribe the Oath of Allegiance, the said Sheriff, Stewart, Bailly, Commissar and Magistrates having first taken the Oath themselves. And it is hereby Declared, That if any person who hath not so taken the Oath of Allegiance, shall be presented by any Patron, not only shall the Presentation be void and null of it self, but the right of the Patronage, as to that vacancy, shall belong to the Kings *Majesty*, and the Patrons be repate dis-affected to His *Majesties* Government, and contemners of His Royal Authority. And Ordains thir presents to be printed and published at the Mercat Crosses, that none pretend ignorance.

XXXVII.

ACT concerning the Bullion.



Our Sovereign Lord, with advice of the Estates of Parliament, now presently convened by His *Majesties* special Authority, considering how much the penury and scarcity of His *Majesties* Coyn here in *Scotland*, is occasioned by the meanness and smalness of the proportion of Bullion at first imposed, never heretofore considerably augmented; notwithstanding

His *Majesties* Customes have been several times augmented, Enacts, Statutes and Ordains, That all Commodities lyable in payment of Bullion, shall pay according to the Rates mentioned in the Alphabet of Bullion after-following, as the same is now augmented and condescended upon. Which Alphabet of Bullion, His *Majesty* with advice foresaid, Ordains to be Printed and published. And to prevent all abuse and prejudice to the said Mint, that may occur and fall out by the Customers exacting of His *Majesties*, and His Predecessors, their own Coyn from the Merchants exporters of the Commodities lyable in payment of the quantities of Bullion, as is aforesaid, or else exacting so much *per ounce* of the said Merchant exporter, to the great prejudice and utter destruction of the said Mint, His *Majesty*, with advice foresaid, Statutes and Ordains, that every Farmer or Customer, within this His *Majesties* Kingdom, shall by the advice and concurrence of the several Clerks of Cocquet, cause all and every Merchant (whether Native or Forraigner) exporter of the Commodities lyable in payment of the quantities of Bullion, set down in the aforesaid Alphabet of Bullion condescended upon, and agreed to, as the same is now augmented and Ordained to be Printed and published, find sicker Surety and Caution, or give Pledges that he may answer for, that Bullion equivalent in proportion to the quantity of goods exported, be delivered to the Officers of His *Majesties* Mint, (and that of Forraign Bullion) either Plate or burnt Silver; twelve Denier fine, and being baser, to be considered by weight and reckoning, and the said Surety, or Pledges, to be taken before the said Merchant receive his Cocquet, Transire or other Warrant whatsoever, for exporting the saids goods lyable in payment of the quantities of Bullion, as is aforesaid; and Prohibites and Discharges all and every of the saids Customers, and Clerks of Cocquet within this Kingdom, to exact or receive any of His *Majesties*, or His Predecessors, Coyns or any other satisfaction whatsoever; except the said Forraign Bullion at

the fineness aforesaid, and that not only under the pain of deprivation of their Offices, but also of punishing of their persons, and fining of them in their goods, by the appointment, and at the discretion of the Lords of His *Majesties* Secret Council; and to the effect any such collusion or transaction may be discovered, His *Majesty*, with advice aforesaid, Statutes and Ordains, that each person delating or discovering any such collusion, or transaction, aforesaid, shall receive and have paid to him, the third part of the value of the Bullion, that was due to have been paid by the Merchant exporter, but prejudice of the certification aforesaid. As also it is Statute and Ordained, That the saids Customers, their Accounts, be controlled upon the quantity of Bullion delivered to the saids Officers of His *Majesties* Mint, according to their Letters of receipt thereof; and what is not delivered, that the Customers be answerable therefore; and that the saids Customers, grant a convenient time for home-bringing of the said Bullion, correspondent to the distance of the port, at which the goods exported are to be delivered; the longest time not exceeding seven months. And in like manner, it is Statute and Ordained, That the Alphabet of Bullion, as the same is now established and appointed to be Printed and published, be of full force from the date of this presents. And that all Commodities exported after the said day, be lyable to the several proportions of Bullion therein contained; notwithstanding of any Act or Acts made or to be made in this present Parliament, in favours of any Manufactories, Companies of Fishing or Trade, or other Acts whatsoever, which are hereby Declared, not to impede the payment of Bullion, augmented in manner aforesaid.

*Follows the A, B, C. of Bullion, as it is now
established by our Sovereign Lord and Estates
of Parliament.*

Bullion.

Silver, twelve Denier fine.

A Shes, Pot-ashes, Wood, or Soap-ashes, the last four ounces.
 Aquavita, the barrel containing ten gallons. — two ounces.
 Alum, ilk two hundred weight — two ounces.
 Annise-seids, ilk hundred weight — two ounces.
 Apples, ilk two bolls, or ilk four barrels — two ounces.

B

B Barrel-staves the thousand — two ounces.
 Bear, every four bolls, half boll — two ounces.
 Beef, ilk three barrels — two ounces.
 Beans, every four bolls, half boll — two ounces.
 Bear, called drinking bear, the tunne — four ounces.
 Bell-mettal, the hundred weight — two ounces.
 Bullets, four thousand — two ounces.
 Bird.

Bullion.

Silver, twelve Denier fine.

Bird-lime, ilk three hundred weight	two ounces.
Brass, ilk two hundred weight, or barrel	two ounces.
Bridles, the groce, or twelve dozen	two ounces.
Brazile, ilk two hundred weight	two ounces.
Butter { good, ilk two barrels	two ounces.
{ corrupt, or <i>Orkney</i> Butter, ilk three Barrels	two ounces.
Bridle-bits, the groce, or twelve dozen	two ounces.
Baikes, ilk five hundred weight	two ounces.
Boots, ilk thirty pair	two ounces.
Buckram, ilk hundred ells	two ounces.
Bark, ilk eight bolls	two ounces.

C

C ables, ilk five hundred weight	two ounces.
Cable-yarn, ilk thousand weight	two ounces.
Cards { New Woollen Cards, ilk six dozen	two ounces.
called { Old Woollen Cards, ilk twelve dozen	two ounces.
{ Stock Cards, every four dozen	two ounces.
Cards called playing Cards, every three groce, or thirty six dozen	two ounces.
Cheefe, ilk five hundred weight	two ounces.
Coals, every four chalders	two ounces.
Cordages, tarred or untarred, ilk five hundred weight	two ounces.
Corballs of Oak, ilk twenty pieces	two ounces.
Copper, ilk thousand weight	four ounces.
Cloath of all sorts, Linnen and Woollen, ilk hundred ells	two ounces.
Copperas, ilk hundred weight	two ounces.
Cushions called shewed Cushions of all sorts, ilk twelve dozen	two ounces.
Cambrick, ilk hundred ells	four ounces.

D

D eals of all sorts, the hundred	two ounces.
Dornick, ilk hundred ells	two ounces.

E

E gges, ilk three barrels	two ounces.
----------------------------------	-------------

F

F locks, the thousand weight	two ounces.
Fustians, ilk three pieces	two ounces.
Feathers for Beds, ilk three hundred weight	two ounces.
Flower, ilk four Bolls	two ounces.

G

G lew, ilk five hundred weight	two ounces.
Gloves, ilk six groce	two ounces.
Grograins of <i>Satts</i> making, ilk four pieces	two ounces.

H 2

Galls,

Bullion.

Silver, twelve Denier finè.

Galls, ilk hundred weight	two ounces.
Girdles, ilk hundred	three ounces.
Ginger, ilk hundred weight	two ounces.
Glasses, called drinking Glasses, and Glasse Bottles, ilk twelve dozen	one ounce.
Glasse, called Window Glasse, ilk three chests	two ounces.

H

Hemp-seed, ilk six barrels	two ounces.
Hemp, of all sorts, ilk eight hundred weight	two ounces.
Herrings, { White-herrings, ilk six barrels	two ounces.
{ Red-herrings, ilk five thousand	two ounces.
Halberts ungilt, ilk three dozen	two ounces.
Hides of all sorts, ilk three dacker	two ounces.
Hose, { Hose, Bonnets and Socks, of Wool, made in Liesbwinde, Dundee, and other places in this Kingdom, ilk five hundred pair	two ounces.
Honey, ilk three barrels	two ounces.
Hornes, { Buck-hornes, ilk five hundred	two ounces.
{ Hart-hornes, ilk three hundred	two ounces.
{ Oxen-hornes, ilk two thousand	two ounces.
{ Ram, or Sheep-hornes, ilk five thousand	two ounces.
Horses or Mears, ilk two thereof	two ounces.
Horses tails, ilk three hundred	two ounces.
Hooks, ilk two groce	two ounces.
Hops, ilk hundred weight	one ounce.
Half-long Skines, ilk ten dacker	two ounces.
Hard Wair, ilk hundred weight	one ounce.
Horse-shoon, ilk hundred gang	two ounces.

I

Iests, { of Oak, ilk twenty pieces	two ounces.
{ of Fir, fourty pieces	two ounces.
Jedburgh Staves, ilk hundred	two ounces.
Iron, { ilk fifty stone weight	two ounces.
{ ilk three Ship pound	two ounces.
{ ilk last	eight ounces.
Iron Pots, ilk three dozen	two ounces.
Iron-Ordinance, ilk four hundred weight	two ounces.
Indigo, ilk hundred weight	three ounces.

K

Kettles, ilk hundred weight	two ounces.
Killing, { ilk hundred and one half	two ounces.
{ ilk six barrells	two ounces.
Knappel of all sorts, ilk five hundred	two ounces.

Kine

ACT 37. King CHARLES the II. 1661. 61

Bullion.

Silver, twelve Denier fine.

Kine, ilk four of them ————— two ounces.
Knives, ilk twenty dozen ————— one ounce.
Kombes of all sorts, ilk hundred dozen ————— two ounces.

L

L Ambs, ilk thirty ————— two ounces.
Lead, ilk two thousand weight or fodder ————— two ounces.
Lead-ore, ilk six barrels ————— two ounces.
Leather { Wilde-leather, ilk three dacker ————— two ounces.
called { White-leather, ilk four hundred skins ————— two ounces.
 { Leather-points, ilk ten groce ————— two ounces.
Linning-cloth of all sorts, ilk hundred ells ————— two ounces.
Lint-feed, ilk three barrels ————— two ounces.
Lint of all sorts, ilk eight hundred weight ————— two ounces.
Ling, { Silk hundred and threescore ————— two ounces.
 { Silk six barrels ————— two ounces.
Liquorise, ilk hundred weight ————— one ounce.
Lobsters, ilk two hundred ————— one ounce.
Lint-wheels, ilk twelve dozen ————— two ounces.
Leamons, ilk barrel of the measure of ten gallons ————— one ounce.

M

M Adder, { cropt-madder, and all other bal-madder, } two ounces.
 { ilk two hundred weight ————— }
 { fat-madder, ilk three hundred weight ————— } two ounces.
Malt, every four bolls half boll ————— two ounces.
Meal, every six bolls ————— two ounces.
Masts of all sorts, ilk dozen ————— two ounces.
Mittons, called woven Mittons, ilk thousand pair ————— two ounces.

N

N Ails of all sorts, ilk twenty thousand ————— two ounces.
Nuts, ilk eight barrels ————— two ounces.
Needles of all sorts, ilk twenty groce, the groce con- }
taining twelve dozen ————— } one ounce.
Nights-caps, ilk thirty dozen ————— one ounce.
New-lit, ilk hundred weight ————— two ounces.

O

O Ars of all sorts, the hundred containing six score ————— two ounces.
Oats, every six bolls ————— two ounces.
Oxen, ilk three of them ————— two ounces.
Oyl, ilk six barrels ————— two ounces.
Orchard-lit, ilk hundred weight ————— two ounces.
Onions, and Onion-heads, ilk four barrels ————— two ounces.
Oiffers, ilk twenty thousand ————— one ounce.

Bullion.

Silver, twelve Denier fine.

P

Pans of Brasse, ilk hundred weight	two ounces.
Pans of Iron, ilk five hundred weight	two ounces.
Passments, { of Silk of all sorts, ilk four pound	two ounces.
{ of Worstead or Threed, ilk twenty groce,	two ounces.
{ the groce containing twelve dozen of ells	two ounces.
Pease, every six bols	two ounces.
Penner and Ink-horns, ilk two groce	two ounces.
Pewter, ilk hundred weight	two ounces.
Pistols, ilk eight pair	two ounces.
Pitch, great or small bind, ilk four barrels	two ounces.
Points, { of Silk, ilk four groce	two ounces.
{ of Leather, ilk ten groce	two ounces.
{ of Threed, ilk threescore Groce	two ounces.
Pots of Brasse, ilk hundred weight	two ounces.
Pots of Iron, ilk three dozen	two ounces.
Powder, ilk hundred weight	two ounces.
Pyp-staves, ilk six hundred	two ounces.
Purses of Leather, ilk four groce	two ounces.
Plaiding, ilk hundred ells	two ounces.
Pepper, ilk hundred weight	two ounces.
Paper, ilk fourty reams	two ounces.
Plaids called wearing Plaids, ilk hundred ells	four ounces.
Phingrim, being a sort of plaiding, ilk hundred ells	three ounces.
Prunes, ilk two hundred weight	one ounce.
Plouch-socks and Culcers, ilk hundred	two ounces.
Pellet-skinnes, ilk two hundred	one ounce.

R

Ribbands, { of Silk, ilk four pound weight	two ounces.
{ of Worstead, ilk ten groce	two ounces.
Roset, ilk three hundred weight	two ounces.
Rye and Rye-meal, ilk six bols	two ounces.
Rafines, ilk hundred weight	one ounce.
Roe-skins, ilk hundred	two ounces.
Runds of Cloath, ilk three thousand ells	one ounce.

S

Sail-canvas, ilk two hundred ells	two ounces.
Sack-cloath, ilk two hundred ells	two ounces.
Saddles covered, ilk twenty four	two ounces.
Saddle-stocks, ilk thirty	two ounces.
Soap, ilk six barrels	two ounces.
Salmond, ilk three barrels	two ounces.
Salt, ilk three chalders	two ounces.
Salt-peter, ilk two hundred weight	two ounces.
Soyes, { of Scots making, ilk fifty ells	two ounces.
{ of Flanders making, ilk fourty ells	two ounces.

Searges

Bullion.

Silver, twelve Denier fine.

Searges of Scots making, ilk fifty ells	two ounces.
Sheep, ilk twenty of them	two ounces.
Silk of all sorts, ilk four pound weight	two ounces.
Calf-skins, ilk three dacker	two ounces.
Clipped-skins, ilk fifteen score	two ounces.
Cunning-skins, ilk two thousand	two ounces.
Fulmerr-skins, called Fitchoes, ten dacker	two ounces.
Futells and Skaldings, ilk thousand	two ounces.
Goat-skins, ilk three hundred	two ounces.
Kids-skins, ilk thousand	two ounces.
Lambs-skins, ilk two thousand	two ounces.
Lentron ware, ilk thousand	two ounces.
Mariken-shint made in Scotland, ilk hundred	two ounces.
Mertrick-skins, ilk dacker	two ounces.
Otter-skins, ilk two dozen	two ounces.
Sherling-skins, ilk two hundred	two ounces.
Seal-skins, ilk twenty dacker	two ounces.
Tod-skins, ilk half hundred	two ounces.
Veal-skins, ilk four dacker	two ounces.
Wool-skins, ilk fifteen score	two ounces.
Woolf-skins, ilk two dacker	two ounces.
Roof-sparres, ilk hundred	two ounces.
Sparres, } Roof-sparres of Oak, ilk twenty	two ounces.
Wicker-sparres, ilk thousand	two ounces.
Stalling, every six bolles	two ounces.
Stirrop-irons, ilk ten dozen	two ounces.
Stirrop-leathers, ilk twenty dozen	two ounces.
Sword-blades, ilk three score	two ounces.
Swords mounted, ilk twenty	two ounces.
Sword-belts of leather, ilk twelve dozen	two ounces.
Swine, ilk ten of them	two ounces.
Sugar of all sorts, ilk sixty pound weight	two ounces.
Syns, ilk three score of them	two ounces.
Seathes, ilk five hundred thereof	two ounces.
ilk six barrels	two ounces.
Shoos, ilk hundred pair	two ounces.
Starch, ilk hundred weight	two ounces.
Slyreland, ilk hundred ells	three ounces.
Shewed Beds the peece	two ounces.
Sulphur, ilk hundred weight	one ounce.

T Akle, ilk five hundred weight	two ounces.
Tallow, called Narves Tallow, ilk six barrels	two ounces.
Scots Tallovv, ilk three barrels	two ounces.
Tar of great and smal bind, ilk six barrels	two ounces.
Tyking for Beds, ilk hundred ells	two ounces.

Tows,

Bullion.

Silver, twelve Denier fine.

Tows, ilk five hundred weight	two ounces.
Trumps, ilk five hundred	one ounce.
Tobacco, ilk hundred weight	one ounce.
Tobacco-pipes, ilk fourty groce	one ounce.

V	Eals, ilk ten of them	two ounces.
	Vineger { of Wine, ilk two tuns	two ounces.
	{ of Bear or Ale, ilk three tuns	two ounces.

W	Admoll, ilk two hundred ells	two ounces.
	Wainfcor of all sorts, ilk thirty of them	two ounces.
	Wax, ilk last of fourteen Ship-pounds	four ounces.
	Wheat, every four bolls half boll	two ounces.
	Whale-shot, ilk two barrels	two ounces.
	Worstead yarn for Shewing, ilk twenty pound	two ounces.
	Wool, ilk six stone weight	two ounces.
	Wines, ilk tun	two ounces.
	Wine-sellars, ilk twenty of them	two ounces.
	Whingers or Durks, ilk sixty of them	one ounce.

	Cable-yarn, ilk eight hundred weight	two ounces.
	Cotton-yarn, ilk sixty pound weight	two ounces.
	Irish-yarn, ilk three hundred weight	two ounces.
Y	Am, Raw Linnen-yarn, Dutch or French, ilk	} two ounces.
	sixty pound	
	Scots-yarn, ilk fifty pound weight	two ounces.
	Spruce or Muscovia-yarn, ilk two hundred	} two ounces.
	weight	
	Woollen or Bay-yarn, ilk hundred weight	two ounces.

Commission

XXXVIII.

Commission and Instructions to the Justices of Peace
and Constables.



Our Sovereign Lord, taking into His Royal consideration, how much the appointing of Justices of Peace and Constables within all the Shires of this Kingdom, under the Reign of His *Majesties* Royal Predecessors, did contribute to the Peace, Quiet and good Government thereof, and to the speedy and impartial execution of Law and Justice to all persons subjected to their jurisdiction and power. Therefore, and for the furtherance of these ends in the future, His *Majesty*, with advice and consent of His Estates of Parliament, Doth hereby Statute and Ordain, That in all time coming, there shall be Justices of His *Majesties* Peace appointed within each severall Shire of this Kingdom, to be nominate, from time to time, by His *Majesty* and His Royal Successors: VVhich Justices of Peace are hereby impowered to administrate Justice, and put His *Majesties* Laws in execution, according to the particular Instructions after mentioned, *viz.*

The Justices of Peace at their first sitting, shall take the Oath of Allegiance, and Oath *De fidei administratione*: which at first shall be administrate to them by the Sheriff or his Depute of ilk respective Shire, or in their absence, by the President and Conveener for the time.

Followeth the Oath of Allegiance.



For testification of my faithfull obedience to my most Gracious and redoubted Sovereign, CHARLES, King of Great Brittain, France and Ireland, Defender of the Faith, &c. Affirm, testifie and declare, by this my solemn Oath, that I acknowledge my said Sovereign Only Supream Governour of this Kingdom, over all Persons and in all Causes, and that no Forreign Prince, Power or State, nor Person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forreign Jurisdictions, Powers and Authorities, and shall at my utmost power, defend, assist and maintain His *Majesties* Jurisdiction foresaid against all deadly, and shall never decline His *Majesties* Power nor Jurisdiction, as I shall answer to GOD.

Followeth the Oath *De fidelis administratione*.

As one of the Commissioners and Justices of Peace within Shires, according to my knowledge, wit and power, shall do equal right both to rich and poor, conform to the Laws, Statutes and Customs of the Land; and that I shall not be of Council with any person in any quarrel or matter depending before me; and that I shall every Quarter keep the Sessions, or oftner, as I shall be required, not having any just impediment in the contrair, and shall faithfully and truly discharge my duty as a Justice of His Majesties Peace, and shall leave nothing undone that may tend to the preservation of the same: So help me GOD.

The Justices of Peace, in each respective Shire, shall meet and convene together, four times in the year, *viz*, On the first Tuesday of May, the first Tuesday of August, the last Tuesday of October, and the first Tuesday of March. In which Sessions, they shall administrate Justice to the people in things that are within their Jurisdiction, and punish the guilty, for Faults and Crimes done and committed in the preceeding Quarter; and by mutual and conjunct advice, make and rectifie Ordinances for the Fees of Servants, Shearers in Harvest and other Labouring men, appoint prices for all Handy-crafts, elect or continue Constables or other Officers, and dispose of the Fines and Mulcts for payment of the Constables, Clerks and other Officers Fees, and imploy the remanent on such necessary and pious uses, as they shall find most expedient; and shall have power to continue the said Sessions, or to adjourn the same to such dayes and places as shall be most convenient.

Any one Justice shall have power upon complaint of any person, being threatned and fearing to be wronged, to bind the party complained upon, under such a pecunial sum to keep the Peace, as he shall think fitting: As also to commit him untill Surety be found by him, the said complainer alwayes giving his oath before the Justice, that he hath just cause to dread him harme. And albeit no person complain, yet if the Justice be credibly informed of appearance of trouble betwixt any parties, he shall bind them to the Peace in manner foresaid, except the parties declare upon their consciences, that neither of them bear any grudge to other. And all such Bonds shall be kept and Recorded by him, and he shall make delivery of the same to the Clerk of the Peace at the next Sessions, to be kept and registrate by him.

If any person being charged to make his appearance before a Justice of Peace, shall refuse or delay without cause, if the party be a Landed Gentleman, whose Rents exceed ten chalders of victual, or one thousand merks of silver, then the Justice (whose command is contemned) shall inform the same to some of His Majesties Privy Council, to the effect, the party of the quality foresaid may be called and fined for his disobedience, and if the disobeyer be of a meaner degree, the Justice of Peace shall hereby have power to command the next Constable, or in absence of a Constable, his own servant, or any other

Act 38. King CHARLES the II. 1661. 67

other person having a Warrant in writ subscribed by the said Justice of Peace with, assistance of the Country, to bring any such party before him.

If either the Sheriff or Bailly shall condemn any person in Blood-wyt, or otherwayes convict him in any pain proper for him to impose, the Justice shall have no power of new to fine that Offender for that offence; but if they shall find him not condignly punished, in regard of the offence committed by him, they shall then inform His *Majesties* Council thereof, that they may take order therewith; and if there be no satisfaction made by the Sheriff or Bailly to the Party offended, the Justices may modifie a reasonable satisfaction to the Party offended, he pursuing therefore before them: And if they find the satisfaction decreed by the Sheriff or Bailly, in favours of the said Party offended, not condigne, nor answerable to the offence and wrong sustained, then they shall also inform His *Majesties* Council thereof, that they may take order therewith as appertaineth.

If either Sheriff or Bailly or their Deputes, by collusion with the Delinquent, shall suffer any person guilty, to be quitted or cleared by an Assize, the Party once cleared, is not to be brought further in question before the Justices, but upon their information, the Judges are to be called, censured and severely punished by His *Majesties* Council.

The saids Justices shall hereby have power to proceed upon all persons committing Riots, and breaking the Kings Peace under the degree of Noblemen, Prelates, Councillors and Senators of the Colledge of Justice, and to punish and fine according to the quality of the Crime, and the Estate of the Offender. And if any of the saids persons, being charged to compear before the saids Justices, shall disobey, the Summons being indorsed, the lawfull Citation verified, and Fact proven, the Justices shall punish and fine the not compearing, according to the quality of the Crime and Estate of the Offender. And for the more clear determination of the order which shall be kept by the saids Commissioners, in the deducing of any such Process, Our Sovereign Lord, with advice of His Estates, Declareth, That it shall be lawfull to the saids Justices, whensoever they have any occasion to move any action against Parties, for committing any like Fact or Riot, to refer the first Summons to the Parties oaths of verity, failzeing of other lawfull probation; who being personally summoned by that first Citation, shall be holden as confest, and Decreet to be pronounced against him, conform to the Libell and Summons. And if he be no personally summoned by the first Citation, the saids Commissioners shall be holden to cause summon him of new again, by a second Summons at his dwelling place; which two Citations shall be as sufficient to infer Decreet and Sentence upon the Libell against him, as if he were apprehended personally. And which Sentence given after the manner and form of probation above-written, His *Majesty*, with advice foresaid, Authorizes and Sustains as good and lawfull in themselves. And as concerning these persons of higher degree, the saids Commissioners shall use all their power for preventing and staying of the Riots, commanding the attempters in His *Majesties*

Name to cease, and to find Caution for keeping of the Peace, and for their compareance before His *Majesties* Council. And if any person, being charged to find Caution, and refuse it, or delay to do the same, and in the mean time contraveneth the said charge, by committing of some Deed betwixt the time of the Charge and finding of the Caution, nevertheless he shall be answerable for the pain, from the date of the Charge, likeas if Caution had been then found.

The saids Commissioners shall put His *Majesties* Act of Parliament to due and full execution against wilfull Beggars and Vagabonds, solitary and idle Men and Women without Calling or Trade, lurking in Ale-houses, tyed to no certain services, repute and holden as Vagabonds; and against those persons who are commonly called Egyptians, and they shall punish and fine their Resettlers and Setters of houses to them accordingly, by such competent pains as is proper for them to enjoyne.

The saids Commissioners and Justices of Peace are hereby authorized and impowered, to give order (as they shall think most convenient and with least grief to the Subjects) for mending of all High-ways and Passages, to or from any Mercat Town or Sea-port within that Shire, and shall call before them all such persons as shall strait these Passages (or otherways by casting of Ditches or Fulsies through the same) shall make these High-ways noisome and troublesome unto passengers, and shall punish and fine them according to the quality of their offence. And to the effect it may be known what breadth all common High-ways should be to Mercat Towns, Our Sovereign Lord, with advice foresaid, Declareth, That the same should be of twenty foot of measure in breadth at the least, and where any are of larger breadth, they Ordain the same so to remain unaltered or straitned, and that the saids Iustices maintain the same, with all other Wayes from any Town in the Paroch to the paroch Churches, in the estate as they are: And where they find any necessity of other Wayes from any Town in the Paroch to paroch Churches, they shall inform His *Majesties* Secret Council thereof, who shall give them (after sufficient information) their direction thereanent; according whereunto, they shall be holden to proceed. And if any person refuse to concur for mending of High-ways and Passages, the saids Iustices shall have power to censure and punish them according to their discretion; with provision alwayes, that if in their proceedings therein, they use such severity or rigour as may move just complaints against them, they shall be censured therefore by His *Majesties* Secret Council as appertaineth.

The saids Justices shall put His *Majesties* Act of Parliament to execution, against Cutters and Destroyers of Planting, Green-wood, Orchards, Gardens, Haynings, Breakers of Dove-houses and Cunnighares, Stealers of Bees and Bee-hives, users of unlawfull Games with Setting Doggs, Slayers of red and black Fishes and Smolts, in forbidden time, Foulers fouling in other mens Lands, Makers of Moorburn and Mossburn, Setters of Crooes and Nets in Waters and Dames, having, and keeping of Crooes and Yairs in forbidden time, and shall proceed against them accordingly. And for their better war-
rand

ACT 38. King CHARLES the II. 1661. 69

rand to proceed in the premisses, it is His Highness pleasure, that Commissions be granted to the saids Justices of Peace, to try and punish the violators of the saids Acts; in the tryal whereof they shall proceed by witnesses, or by oath of party; and the punishment to be inflicted by them, shall be a pecunial sum, answerable to the circumstance of the offence, and quality of the offenders; with special provision, that their Censures and punishment shall extend against none, but those against whom by priviledge of their Instructions they may lawfully proceed. And also with provision, that the saids Commissions be not extended to any persons, who shall be arrested and conveyed for the saids crimes, before any other ordinary Judge. It is also provided, that the ordinance and power contained in this Article, shall no wayes be prejudicial to any other Commissions, or Rights whatsoever, granted to other parties, whereby they have power to proceed and censure the crimes and offences above-written.

Item, They shall inform the Kings Majesties Council, and His Highness Treasurer, or Advocat, at the least once every year, of Forstallers and Regraters of Mercats, that order may be taken with them, conform to the Acts of Parliament.

It shall not be leasome to any Hoastlar to resset any Masterleis Men and Rebels at the Horn, any Vagabonds, or other persons guilty of known crimes, or using Stouth and Reaf, under the pains underwritten: To wit, forty shillings, to be incurred by them for the first fault, four pounds for the second, and ten merks for the third; together with the loosing of the liberty of Brewing: The incurrers of the which pains, shall be punished according to the order foresaid, by the Barrons and Masters of the ground whereupon the Hoastlar dwelleth, within the space of fifteen dayes after the committing of the Fact; and if the saids Barrons and Heritors, neglect to do the same, within the said space, it shall be lawfull to the saids Justices, to pursue and fine the Delinquents in their Courts, according to the pains foresaid, and to uplift the same from them; without prejudice alwayes of whatsoever Acts, made against the saids Hoastlars in the Barron Court Books, under whom they dwell, bearing any higher pain, then as is set down in this above-written Act; and also without prejudice of all Action, Criminal or Civil, competent of the Law, against the saids Hoastlars, in case they be under the danger thereof, which shall not be taken away by any punishment, set down, and to be inflicted conform to this Act.

Item, They shall inform the Kings Treasurer and Advocat, of breakers and contraveeners of the Acts of Parliament, made against Malt-makers, and the transgressors and contraveeners thereof may be punished, conform to the Tenor of the saids Acts.

They shall set down order in the Countrey, for Governance in time of Plague, and shall punish severely the disobeyers of the order appointed by them, according to the quality of the Delinquent.

They shall appoint at the Quarter Sessions to be kept in *August* and *February*, the ordinary Hire and Wages of Labourers, Workmen and Servants; and who shall refuse to serve upon the price set down

down by them, shall be imprisoned, and further punished at their discretion: and to the effect Servants may be the more willing to obey the Ordinances to be made by the saids Justices, for the saids Fees, the saids Justices shall have power to decern, and compel the Master to make payment of the Fees, appointed by their Ordinance, in case the Servants please rather to pursue for the same before them than any other Judge.

The saids Justices shall take notice in all Sheriffdoms, where there are any Goales, and Prison-houses, within any Burgh, that the same may be kept up and not suffered to decay or become ruinous: and if there be any Shire, where there is not any Goal or Prison-house, they shall inform His *Majesties* Council thereof, that they may appoint and give order for building of one within the Head Burgh of the Shire, and according to the directions to be given thereanent, the Justices shall be holden to proceed.

And because there be a great many of Prisoners apprehended and committed, who having no means of their own for their maintenance and entertainment, will otherwayes famish and starve before they can come to their tryal, who not the lesse, in regard, of the crimes committed, can no wayes be put under surety, or otherwayes, in faults of lesse consequence, are unable to find sufficient Caution to be made forthcoming, and answerable at the next Session; Therefore it shall be lawfull to the saids Commissioners and Justices, at their Quarter Session, to rate every Paroch for a weekly proportion, for the entertainment of those poor Prisoners, providing they do not exceed the sum of five shillings *scots* money at the most, nor under one shilling at the least, which sum shall be uplifted for that use by the Minister or Reader, who shall serve at every Paroch, from such Deacons, who shall be appointed to collect the same; and the saids sums to be delivered by the Constable of the Paroch, at the Quarter Sessions, in presence of the whole Bench then convened, to such persons as the saids Justices shall trust therewith, and who accordingly, shall make due account in paying the Jaylor such rates as shall be allowed for the poor Prisoners, and making the rest forthcoming for such use and intent of the like nature, as the saids Justices shall appoint.

All Magistrates of Burghs, and keepers of any Goals or Prisons, shall receive into their Prisons, all such persons, as either shall be brought by Constables, or sent unto them by Warrands under the hand of any one Justice of Peace, the saids Justices causing satisfie for their entertainment; and if any Magistrates, or their Jaylor, suffer any persons, committed by the Justices to their Prisons, to escape, they shall be condignly punished therefore, at the discretion of His *Majesties* Council.

Item, Our Sovereign Lord, with advice foresaid, Ordains the saids Commissioners, to set a price upon Craft-mens work, and upon the Ordinars of Penny-Bridals, together with the price of Shearers Fees, and to punish the Contraveners, as appertaineth.

They shall cause sufficient single and double Ale to be brewed in every Shire, and shall appoint Visitors to that effect, with consent of the
Barron

Act 38. King CHARLES the II. 1661. 71

Barron and Over-lord of the ground: They shall set down Acts against notorious and common Drunkards, and impose fums upon the Contraveeners, according to their qualities and deserts.

Our Sovereign Lord, with advice foresaid, Declareth, That Three Justices of Peace shall be a full number and Session, to decide in matters occurring betwixt the four Quarter Sessions.

Also Declares, that no Letters of Caption ought to be granted against the saids Justices, for apprehending of Rebels, except they be found subject to do the same, by possessing of such other Offices and places, to the which the obedience and putting to execution of any such charges doth belong.

And because there is sensible prejudice seen and felt through many parts of the Kingdom, by reason of diversity of Measures and Weights used in the same. Therefore Our Sovereign Lord, with advice foresaid, for removing of all abuses which may ensue in any time to come thereby, Hath found expedient, and by this Decreet and Statute of Parliament, Decerns, Statutes and Ordains, That there shall be but one just Measure and Weight through all the parts of the Kingdom, which shall universally serve all His Highness Lieges, by the which they shall sell and buy, and receive, and give out in all times to come; which Measure, His Majesty with advice foresaid, finds should be that Measure of *Linlishgow*, which now is commonly used, and which hath been used most customably through the greatest parts of this Kingdom these many years by-past. And for settling a perfect Order, whereby all the Measures that are now used may be reduced to the conformity of the saids Measures now authorized; and for making of proportion answerable betwixt the lesser Measure and Weights, and the greatest. His Majesty with advice foresaid, hath granted full power and Commission to *Alexander Frazer of Phillorth*, *Sir Gilbert Ramsay of Balmagh*, *William Scot of Ardross*, *John Murray of Touchadam*, *Sir Robert Hephurn of Keith*, *James Craigtown of Saint Leonards*, *Sir Andrew Ramsay*, *Sir Robert Murray*, *Sir Alexander Wedderburn*, *John Bell*, *William Cunningham*, *Andrew Glen*, *Sir William Thomson*. Whom, or any seven of them, His Majesty, with advice foresaid, Ordains to meet and conven together, at such time and place as they shall think expedient, and to consult and advise together, and to appoint and determine upon the most convenient means, how the said Measures and Weights may be reduced to the conformity foresaid; and after they have ripely advised therewith, and given forth their determination thereanent; they shall deliver the same, and whole course of their proceedings, in the said matter, to the Commissioners and Justices of Peace, and to the Deans of Gild of the Head Burghs of the Shires, who shall be holden carefully to do their diligence, to see the Measure foresaid, now appointed, to have course through all parts, as well Burgh as Landwart. And that there may be one constant conformity in Head Burgh and Land, Our Sovereign Lord, with advice and consent foresaid, Ordains, that the saids Justices of Peace, in Landwart, take tryal of the Measures and Weights used in Burgh, and to take note from the Magistrates, and Deans of Gild of every Town,

Town, of the Weights and Measures, and of the number thereof, which the saids Magistrates and Deans of Gild in Burgh, shall be holden to shew, declare and give up to them, to the effect the saids Justices to Landward, may confer the same with the Standard now authorised; and where they find any disconformity in the same, from the said Standard, the saids Justices shall inform the Kings Majesties Council thereof, that they may take order therewith as appertaineth: For it is expressly provided by these presents, that the saids Magistrates in Burgh, shall not be permitted to have or use moe Measures within Towns, then the number to be professed by them, and given up in Writ to the saids Justices to Landward, as said is: this alwayes being respected, That if the saids Magistrates within Burgh, find any necessity for having any moe Measures then was given up and used by them before, it shall be licenced to them to make moe Measures, they being answerable and conform to the Standart, and making the saids Justices to Landward foreseen and acquaint therewith, and declaring the number of the Measures, whereof they find the necessity of use.

The saids Justices shall be holden to give command and direction to their Constables, to apprehend any such person, who shall be found contemptuously to have disobeyed the Censures of the Church, they being lawfully required to do the same.

The saids Justices of Peace, as well to Burgh as Land, shall convene and be present at the Quarter Sessions of the Shire where the Burgh and Land lyeth, give their Oath to the Bench at their admission, make their Record, and make payment of the Fines intromitted with by them, as Justices of Peace of that Shire, to their Collector.

They shall appoint a sufficient Collector for uplifting the Fines and Penalties, which they have power to impose upon an Offender, and are to take Caution of him for making due accompt.

They shall have, during the time of Sessions, for every day of their abode (so it do not exceed the number of three dayes at the most at one time) allowed to every one of them, forty shillings Scots money, daily to be paid and uplifted by the Collector of the Fines; but neither Earl, Lord, Bishop, Privy Councillor or Sessioner, shall have any allowance; and all such Justices as have the benefit of that allowance, and shall be absent from every ordinary Quarter Sessions, or otherwayes when he is required lawfully by the *Custos Rotulorum* to any particular Meeting, shall incur the penalty of forty pounds Scots money not being lawfully excused; and the excuse allowed by the rest of the Justices their assembled.

The Lords of the Session shall direct general and summar Charges of Horning and Poynding, at the instance of the Collector appointed in every Countrey for ingathering all Fines and Penalties whatsoever incurred, upon a simple Charge of fifteen dayes; and no Suspension shall be granted thereof, but upon consignation of the sums contained in the Sentences, and by finding Caution for payment of the charges, at the modification of the saids Lords.

The saids Commissioners, at the end of every Quarter Session, shall send

ACT 38. King CHARLES the II. 1661. 73

send to His *Majesties* Council, a Catalogue of all such persons as they have either committed, or otherwayes put under surety, with a short Abbreviate of the cause thereof; to the effect, that thereupon the Council, as they shall think expedient, may return to them against their next Session, or to the *Custas Rotulorum* in the mean time, their further directions.

The saids Justices shall put in execution, all Acts of Parliament made for punishing all persons whatsoever, who shall Curse or prophanely Swear, or shall be Mockers or Reproachers of Piety or the exercise thereof; and shall require and levy upon every Offender, the severall penalties following, *viz.* Of a Nobleman twenty pounds; each Barron twenty merks; each Gentleman, Heritor or Burges, ten merks; each Yeoman fourty shillings; each Servant twenty shillings, *Scots* money; each Minister the fifth part of his years Stipend; without prejudice to other proceedings against any such Minister for the same. And in any of all the cases before specified in this Instruction, the saids Justices shall put in execution all such Laws, as for Corporal punishments, have any provisions mentioned in them for such cases: And in case of the inabilities of the parties Delinquents to pay the sum mentioned in this Instruction, the saids Justices shall put in execution such Laws, as for Corporal punishments, have any provision mentioned in them for such cases; and that the Wives Delinquents shall be punished according to the qualities of their respective Husbands, and that their Husbands be lyable for the payment of their Wives Fines respectively, in manner above-mentioned, *toties quoties* for each fault: And all others whatsoever, not particularly herein nominate; are to pay in proportion to their respective qualities and degrees. And also, the saids Justices are to put in execution; the Acts of Parliament made for the punishing of all persons that shall be found guilty of the sin of Fornication; and that they levy or cause to be levied, the severall pecunial sums therein mentioned, *viz.* For each Nobleman, for the first fault four hundred pounds; each Barron two hundred pounds; each other Gentlemen and Burges one hundred pounds; every other person of inferiour quality ten pounds, *Scots* money; and that these penalties shall be doubled *toties quoties*, according to the relapses and degrees of the Offence, and quality of the Offenders. And that the said penalties shall be levied; not only of the Man, but also of the Woman according to her quality and the degree of her offence, the one without prejudice of the other. All and sundry which penalties so to be levied, are to be disposed of as followeth; To wit, one half to pious uses in the same Paroch where the Offenders live, or the offence hath been committed, and the other half to be divided in two equal parts, one part whereof to be given to the Informer, and Prosecutor, and out of the other half, to satisfie the Constable, or other persons who shall be employed for bringing the person accused to Justice, and the remainder to be disposed of to pious uses, or to satisfie the Constables for their travel and service in other parts of their office, according as the Justices shall think fit.

That the Justices shall put the Acts of Parliament in execution, for the punishing of all persons found guilty of the sin of Drunkenness or excessive Drinking, especially under the names of Healths, or haunting Taverns or Ale-houses after ten of the Clock at night, or at any time of the day, except in time of travel, or for ordinary refreshments. As also against the keepers of the Taverns or Ale-houses, that shall sell the drink unto them: Which Penalties in the saids several Acts contained, the saids Justices are to levy, or cause to be levied, upon the saids Delinquents; and the saids penalties are to be disposed of by the saids Justices, in like manner as aforesaid.

The saids Justices shall put in execution, all Acts of Parliament, made against such persons as shall Profane the Lords-day, and require or levy the penalties therein contained: which penalties aforesaid, the saids Justices are to dispose of, in like manner as aforesaid.

And at what time and whensoever one shall accuse another person or persons to be guilty of Treason, Murder or other Fellony, Blasphemy, Incest, or any other hainous Crimes: in such cases the said Justice or Justices, shall forthwith cause such person or persons to be apprehended, and after inquiry made in the cause, the saids Justice or Justices, if they find cause, shall commit the Offender to prison, or take sufficient Bail, if the case by the Law be bailable; and shall take the information of the Party accusing upon oath, and bind him to prosecute, and shall take the testimony or deposition of the witnesses likewise upon oath, and bind them to give in evidence; and shall also take the examination of the Party accused. All which Recognizances, Informations, Depositions and Examinations, the said Justice or Justices, shall certifie to the next Quarter Session, Assizes or Criminal Courts respectively, to the end the Justice may proceed against them according to the Law.

And if any Nobleman, Barron or Bailly, or any in their names, having power, shall acclaim the right of Jurisdiction to proceed against any Delinquent apprehended by a Constable for any Capital crime: Then, and in that case, any of the Justices shall receive security of the said Party, who required the Defender to be delivered to him, that justice shall be duly ministred, and then shall cause delivery of the said person to be made to him; and the said Justice of Peace, at the next Session, shall certifie the whole matter to the Bench; to the effect they may enquire, whether justice hath been accordingly ministred, and if any fault be found, to advertise His Majesties Council, that order may be taken therewith.

The saids Justices shall twice in the year, at the first of *December* and the first of *June*, take up a list of the Poor in every Paroch within Burgh or Land: into which number there shall no person be received, who are any way able to gain their own living; and to the effect these Poor may no longer be necessitate to seek their living, with such hardship and difficulty by scandalous vaging, as hitherto they have been in use of, the Justices shall appoint two or more persons of good fame and quality in every Paroch, to be Overseers for the Poor in each Paroch aforesaid, and to authorize the said Overseers,

to

Act 38. *King* CHARLES the II. 1661. 75

to make due tryal and examination of the condition and number of such Poor, Aged, Sick, Lame and Impotent inhabitants of the said Paroch, who (of themselves) have not to maintain them , nor are able to work for their living; as also of all Orphans and other poor Children within the said Paroch, who are left destitute of all help; and the saids Overseers are to list and inroll all such persons, and to provide them such a convenient House for their dwelling, either a part or together, as they shall judge requisite; and upon consideration had, what the necessary maintenance will extend to weekly, the saids Overseers are to call for the Collections of the said Paroch, or other Sums appointed for the maintenance of the poor thereof; and the persons who have the saids sums in their hands, are hereby required to deliver the same to the saids Overseers; and their Receipts under their hands, shall be their sufficient discharge: which Sum so received, the Overseers are to dispose proportionably to the several poor people aforesaid, according as they shall find their necessities to require: and the saids Overseers are to take due tryal of the good behaviour and carriage of the poor persons, listed and inrolled as aforesaid, that if any of them being so provided, shall go abroad to beg, or otherwise miscarry themselves, or shall refuse, being able, to work any manner of work that they are able to perform; in such cases, the said Overseers are to acquaint the said Justices therewith, who shall appoint such punishments for the first fault, as in their judgments they shall find requisite; and if they shall continue in such miscarriages, they are to be holden and reputed as Vagabonds, and so to be proceeded against according to the Law in that case provided. And to the end that there may be an exact performance of the Premises, the saids Justices are hereby required, to call before them the saids Overseers once in every six months, or oftner if they shall think expedient, to give an account upon Oath of the whole Sums received by them, and to produce the Rolls of the said Poor, together with an Account of what money they have received any otherwayes, for the use of the said poor; and after a due consideration of the charge, together with the Discharge thereof, to approve, allow, or dis-allow the same, as shall be found just: and the said Justices are to take due tryal and examination how the saids Overseers have discharged their Trust; and in case of the refusal of any of the saids Overseers, nominate and elected as aforesaid, to accept the said office, or having accepted, shall be found negligent therein, or shall refuse or delay to give an account of their intromissions, when required as aforesaid, or to deliver what money shall be found resting in their hands, undisposed of at the end of the year, unto such new Overseers as shall be appointed: in such cases the offenders shall incur the penalty of twenty pounds *Scots*, to the use of the Poor, and suffer such further Censure, as the said Justices, at their Quarter Sessions, upon consideration had of their fault, shall see meet to impose.

And further, the saids Justices are hereby impowered and commanded, to call for an account from these who took upon them to exerce that place and office, during the late Usurpation, of all Fines, Penalties

and others, raised, exacted or uplifted of any persons, and to ordain them to deliver and make payment to them of what hath not been by sufficient order disposed of: and in case of any difference arising thereupon, that the Justices consult His *Majesties* Council, who shall give their orders therein.

Constables.



Our Sovereign Lord, with advice of His Estates, Findes and Declares, that the Constables are to be made choise of, by the Commissioners and Justices of Peace, in their Quarter Sessions, throughout the whole Countrey, two at least in every Paroch, or moe, according to their discretion, having consideration of the quality thereof: In great Towns likewise, not being Cities nor free Burghs, they are to appoint a number of Constables proportionably to the greatnesse thereof; but in all Burghs Regall, and free Cities, the Constables are to be chosen by the Magistrates of the same; and they are to endure, and to be changed, from six to six months.

And who shall refuse to accept the Charge, and not to give his Oath for dutifull execution thereof, shall be imprisoned, and fined at the discretion of the Justices of Peace at their next sitting.

Followeth the Oath to be taken by the Constables.



Do Swear, that I shall faithfully and truly discharge the Office of Constabulary, within the Paroch of, &c. in- during the time appointed to me, and shall not for fa- vour, respect, or fear of any man, forbear to do what becometh me in the said Office: and above all things, I shall regard the keeping and preserving of the Kings Majesties Peace, and shall at every Quarter Session and meeting of Justices, give true and due information of any breach which hath been made of His Majesties Peace, within the bounds of my commandement; and shall no way hide, cover, nor conceal the same, nor any of the proofs and evidences which I can give for the clearing and proving thereof: So helpe me G O D.

All the Constables, or at least one of every Paroch instructed with power to answer for the rest within the said Paroch, shall attend at every Quarter Session; thereto give information of all such breaches of the Peace, and other misdemeanors as have happened within their bounds, since the preceeding Sessions, and have come to their knowledge; and shall no way hide, cover, nor conceal the same, nor any of the proofs and evidences which they can give for the clearing and proving thereof; and otherwayes to give the Bench further information in any thing wherein they shall be required, and to receive from the saids Justices at the end of the Session, such order and direction, as they then shall enjoin and appoint.

Every

Act 38. *King* CHARLES the II. 1661. 77

Every Constable, in their respective Paroches, shall apprehend any suspicious persons, who are night walkers, and cannot give a good account of themselves, and carry them to the next Justice of Peace, to find Caution for their good behaviour, or otherwise be committed to Prison; and the said Constable, or Constables, shall stay and arrest all Vagabonds, sturdy Beggars and Egyptians, and carry them before some Justice of Peace, who shall take order for their committing to Prison, or other punishments, according to the Statutes of Parliament.

Every Constable, in their respective Paroches, shall arrest all Idle persons, whom they know to have no means to live upon, and will not betake themselves to any Labour, Trade or Occupation; and shall carry them before some Justices of Peace, who after examination shall either commit them to Prison, or take Surety of them for their appearance at the next Quarter Session.

All Constables, in their respective Paroches, shall apprehend every person or persons, that shall be guilty and culpable of Slaughter, Murder, Theft, or any other culpable crime whatsoever; and shall require his Neighbours to assist for safe conveying of such person or persons, to the next Justice of Peace, who shall commit him or them, or take Surety according to the Instructions given to the Justice of Peace in such like cases. And if any person or persons, shall refuse or delay to assist the said Constable or Constables, in executing his or their offices, such persons, for refusing or delaying, shall be imprisoned, or otherwise punished by the said Justices at their Sessions.

All Constables shall arrest any person not being in His Majesties service, who shall be found wearing of Hagbuts, Guns or Pistols in any sort, and shall carry them before some Justice of Peace, who is either to take security for their appearance the next Quarter Session, or commit them Prisoners till they do the same, unless they be Licenced from the Council, or some impowered from them to give such Licences.

Upon the appearance of any Fray or Stir betwixt parties, the Constable shall require the assistance of his Neighbours, for sundring of the parties; and if there be any harm done to the Constable, or any of the Assistants, by them who made the Fray, they shall be punished by the Justices at the next Session.

When any person or persons, have made a Fray, and then flee to an house; the Constable or Constables may follow to the house, to open the doors: which if he or she shall refuse, he shall take notice of the Master or Keeper of the house, and require witnesses thereon; and albeit the Delinquent shall flee further, without the bounds of the Constables charge, yet may the Constable follow and apprehend him in a fresh pursuit, and crave concurrence of the Countrey for that effect.

The Constables in every Paroch, shall execute all such Precepts and Warrants as they shall from time to time receive from the Justices of the Peace.

And that the saids Constables may have satisfaction for their travels

vels and pains, Our Sovereign Lord, with advice foresaid, Ordains the saids Justices to give up particular Notes in writ, to the Auditors of His *Majesties* Exchequer, of the Fines in-brought to them, that out thereof, such measure and satisfaction may be appointed and given to the saids Constables, and also to the Clerks of the Peace, as may recompence their travels; wherein if it shall be found, that the saids Fines shall not be sufficient, the saids Lords of His Highness Chequer, shall appoint such further satisfaction to them, as in their discretion they shall think their labours and diligence do deserve, and cause them be paid of the same. And notwithstanding of this above-written Act, and all the particulars foresaid contained in the same, Our Sovereign Lord, with advice and consent of His saids Estates, Statutes, Decerns and Declares, That the erection of the saids Commissioners and Justices of Peace, and grant of Jurisdiction and Priviledges to them, and the making or approbation of the particular Acts above-written, introduced in their favours, or any thing therein contained, shall not be in any sort derogatory or prejudicial to the Rights, Priviledges and Liberties, granted and bestowed by His *Majesty* or His Highness Royal Predecessors of before, to any of His *Majesties* Subjects, of whatsoever estate or quality from the highest to the lowest: But Declares, that the saids Rights, Priviledges and Liberties shall remain in their own integrity, safe, intire, unhurt or unprejudged by the Premisses, or any thing exprest in the saids Articles and every one of them, and are holden as especially reserved and excepted out of the same.

And lest this above-written Reservation, should seem altogether to destroy the power granted to the saids Justices, or should beget controversie betwixt them and any other having right and liberty of Jurisdiction as said is, Our Sovereign Lord, with advice foresaid, for removing of all question, which may arise betwixt them thereanent, Declares, That it shall not be lawfull nor permitted to the saids Justices, to make any Citation of Parties before their Courts, till the expiring of the space of fifteen dayes after the committing of the Fact for the which the Committer is to be conveyenced: At the compleat out-running of the which space, if any having Power and Jurisdiction as said is, hath omitted and neglected to use and exerce the Priviledge and Liberty of their Right and Power, It shall then be lawfull to the saids Justices to make Citation, and to proceed against the Parties, according to the Power and Authority given to them by His Highness, with advice foresaid, and conform to the particular Articles above-written in all points, and no otherwayes.

If any Party complain to a Constable that he is threatned by another, then shall the Constable apprehend the Threatner and carry him with the party Complainer before the next Justice of Peace: and if he refuse to go, then shall he carry him to Prison.

Which all and sundry the premisses, Our Sovereign Lord, with advice and consent foresaid, Ratifies and Approves in all points, in manner as the same propors. And gives unto them the strength and force of Acts and Ordinances of Parliament, and Ordains execution to pass upon the same as effectis.

XXXIX.

Act for the Fishings, and Erecting of Companies for Promoving of the same.



Our Sovereign Lord, considering the best and readiest means for improving the benefit and advantages which properly belong unto Him, by the Fishes which are, or may be, taken within the Seas, Channels, Firths and Lochs, adjacent and surrounding this His ancient Kingdom. And perceiving the same may be of great advantage many wayes, especially in that the said Trade will not only be a Nursery for Sea-faring men, and a speedy occasion of building Ships for His *Majesties* and His Subjects use, both in Peace and War; But likewise will set many poor and idle persons a work, and furnish the materials of a great native Export, for the continual enriching of His *Majesties* Kingdoms, by a sure foundation of Trade and Commerce. For which ends, and that the said Trade of Fishing may be the more effectually advanced and promoted within this His *Majesties* ancient Kingdom, His Sacred *Majesty*, with consent of His Estates now convened in this present Parliament, hath Erected, and by the tenour hereof, Erects, Creates and Establishes, particular Societies and Companies of His *Majesties* own free born naturalized Inhabitants in *Scotland*, and of all others who shall be taken and inrolled in any of the same Companies and Societies, and admitted to the priviledges thereof, and shall enter themselves in the saids Societies within any Shire or Burgh of the said Kingdom, one or more, betwixt and the day of as the first modern Societies and Companies to the effect after-specified, Constituting and Creating such persons who shall enter themselves, and their successors, in a Body and Incorporation politick, to exerce the Trade underwritten. And Ordains that none be excepted therein, except he who shall enter the sum of five hundred merks *Scots*, at least, of Stock, in the said Society. And Wills and Grants, that whosoever are of the foresaid Societies or Companies to be Constitute, their Heirs or Assignees, shall enjoy the yearly benefit of the Stock to be given by them, in all time after the in-giving thereof; but to have no power to uplift the Stock, except by consent of the Company or Council thereof after-specified, Granting and Committing, likewise, His *Majesty*, by the tenour hereof, Gives, Grants and Commits, to the saids Companies and Societies so to be Constitute, and to all such whom they or their Successors shall admit or receive therein, full power to take and Fish, Herring and VWhite-fish, in all and sundry Seas, Channels, Firths, Rivers, Floods, Lakes and Lochs of this His *Majesties* said ancient Kingdom of *Scotland*, and Isles thereunto belonging, wheresoever Herring and VWhite-fish are, or may be taken, and to bring in and disburthen the saids Herring and other VWhite-fishes,

Fishes, to all and sundry Ports, Harbours, Shoars; and to lay the same on the Land, and to pickle them with Salt, and to dry, and load the same in Barrells and Puncheons; and for conservation of the saids Herring and Fishes, to build Houses and little Cottages, and other things necessary for the use of the said Fishing-trade, in whatsoever places shall be convenient, upon the payment of the allowance under-written, unto the Lord or Master of the ground; or otherwise, to sell, use and dispose upon the saids Herrings and other Fishes, to the Inhabitants, or to keep and conserve the same in their Ships and Boats, and to make and prepare them therein, and to carry and transport the same to Forraign parts beyond Seas, in Ships and other Vessels belonging to them, or His *Majesties* other Subjects; and to sell, use and dispose thereupon, to such who shall be in friendship and amity with His *Majesty* and His Successors. With power also to the saids Companies and Societies *respective*, to elect and make choice of such of their own number as they shall think fit, for making and framing of Laws, Statutes and Rules, for the right regulating, manning and carrying on of the said Trade of Fishing (the saids Laws being alwayes approven and allowed by the Council of Trade) and to punish transgressors accordingly. And that none be admitted to be Councellors of the saids Societies, except such who shall enter of Stock the sum of one thousand merks money foresaid, and that they be *Scots-men*, or naturalized Strangers, and Residenters within the said Kingdom And to the which Council, so to be Nominate and Constitute, the said Companies *respective* shall submit, and to all their Acts, Statutes and Rules, especially, but prejudice of the generality foresaid, to the particular Rules under-written. To wit; First, That none after the erecting and setting of the said Company or Society, may enter or come in but by consent of the Company or the Council thereof, after the said day of next, except they be appointed to be inrolled and taken in by the Council of Trade, to whom any person, in case of exclusion, may make his address. Secondly, That the return from Forreign places upon this Stock, may be all sold in free Burghs and to free Burgesses within this Kingdom, by the saids Companies or any of them or their Factors, without any previous offer to the Burgh; providing they do not retail by selling less quantities nor five Tun of Wine, or the equivalent in value in other Commodities; and if the Import and Return shall be of less quantities, then and in that case these Commodities shall only be sold in whole sale, without any retail whatsoever. Thirdly, That no Herring or White-fish taken by *Scots-men* in the said Kingdom or Isles thereunto belonging, be sold, fresh or salt, to any but to Natives, except by the Companies *respective*: And that no Stranger unnaturalized, shall have liberty to make and prepare Herrings or White-fish upon the Land, or to make Booths for that effect, under the pain of confiscation of what shall be seized upon, and the double thereof to be exacted of the Seller, except they be free of one of the Companies foresaid. With power also to the said Council, to use and have a Seal and Gage for ilk Company *respective*, wherewith all their Barrells or Puncheons may be

ACT 39. King CHARLES the II. 1661. 81

be marked, and that ilk Barrel of green fish contain twelve gallons, which is to be the ordinar Gage betwixt Buyer and Seller. And also to make use of, and imploy, all and sundry Tolbooths and Warding-houses, where necessity requires, for holding of Courts, warding or punishing of Transgressors, the Burghs being alwayes free of the charges of the Prisoners; and further, to depute such of their number as they think fit, concerning all busineses and affairs, and to cognosce and determine in all questions and debates relating to the said Trade of Fishing; and to cause execute such Décreets and Sentences as shall be pronounced thereupon: And for that effect, to make choice of Officers and Servants, and to administer Oaths to them, and amongst themselves, for the good of the Trade; and if need be, with power to the said Council, to design certain Judges under them in convenient places, to administer Justice in the matter of the Trade of Fishing allanerly. And Our said Sovereign Lord, being most willing to cherish and incourage the foresaids Societies and Companies, in the said Trade, Hath out of His Innate Beneficence and Royal Bounty, Ordained, and by the tenour hereof Decerns and Ordains, that Salt, Cordage, Hemp, Cork, Pitch, Tar, Clapboard, Knaple, Skew-hoops, and Holland Nets, imported for the Trade of Fishing foresaid, by the foresaids Companies *respectivè*, is, and shall be, free of any Custome or other Imposition whatsoever; and that the Herring and White-fish taken, made and prepared therewith, are and shall be free of any manner of Taxation or burden in the exportation of the same. And also, that all Strangers Fishers who shall repair to this His *Majesties* ancient Kingdom, and will come and make their residence within the same, shall be naturalized by His *Majesty*, upon the desire and application of any of the saids Councils, and shall be entred Burgeses in any City where they shall reside, and shall be freed of all manner of taxation, for the space of seven years next after their arrival. And further His *Majesty* hath Released and Discharged, and by the tenour hereof *simpliciter* Releases and Discharges, the Teind Herring and Teind Fish, of all such Herring and Fish, which shall be taken by the Boats and Fishers of the saids Companies *respectivè*, or such who shall be hired by them, in all time hereafter. And also, Exoner and Discharges the Excise Herring due to His *Majesty* (except the Herring of *Dumbar*) for all the dayes, space, years and terms of nine years, next after the date hereof. And in like-manner, His *Majesty* Declares, That all Ale, Bear, Strongwaters, and other provisions for out-recking of any Vessel for the saids Fishings of the said Companies, is, and shall be, free of all manner of Impositions whatsoever, Commanding hereby the Lords and Masters of the ground, in all places through the said Kingdom where there is Loch or other Fishings, not only to protect, maintain and defend the said Company and Society, and all Masters of Ships, Fishers and others whatsoever, going about the said Trade, and belonging to the respective Companies of Fishing, from all harm, trouble or dammage whatsoever, or else to satisfie and refound their loss and dammage which they shall sustain upon their Land; but also that they, nor none of them, presume nor take upon hand, to exact

or levy, any more from the saids Fishiers, Merchants, or their Servants, belonging to the saids Companies, for Ground-leave, but only twelve shillings *Scots* for every Last; and that in full satisfaction of the Saturdayes fishing, or any manner of Dues whatsoever. And for the greater encouragement of Merchant-fishers, Masters of Ships and other Vessels, and their Servants, to attend the said Trade of Fishing; His Majesty, by His Sovereign Authority and Prerogative Royal, not only by these presents Declares the Ships, Boats and other Vessels, with their Furniture, provided for, and in exercise of, the said Trade of Fishing, no wayes to be Arrestable by any Creditor, but that the same, and those that shall serve therein, shall not be Pressed to any publick service, without His Majesties particular Command. And that the Fishers, Masters and Servants, in the saids Vessels, and makers of Herring and White-fish, during the whole time of the said Fishing, and their employment therein, shall be free from all Actions, and no wayes conveyable before any Judge or Judicatory whatsoever, for any cause or causes Civil, which may be intended against them; But also by the tenour hereof Declares, the saids Fishers, Masters and their Servants above-written, shall be free of all Captions, Arrestments or other Attachments on their persons, or against their Materials and Instruments of Fishing, during the time and season of Fishing, they being actually serving therein allannerly. And further, that none who shall be upon the Council, or any of the Societies of Trade foresaid, shall be lyable to Sess, Stents or Taxations, for what Stock they have entered, or shall enter in the saids Companies or Societies *respectively*, or for the benefit and profit arising thereby in time coming. And it is hereby Declared, that it shall be licent to any of the Council or Societies of the said Trade of Fishing *respectively*, for the good thereof, to dwell and reside in any part or place of this said Kingdom, albeit they be Burgeses in any Burgh Royal, and not thereby lose their freedom, notwithstanding of any Act or Acts in the contrair. And in like-manner it is hereby Declared, that no person or persons shall have liberty to export Herring or Fish, nor use or have the Priviledges, Liberties and Immunities above-written, but those that shall enter themselves, and be free in one or other of the saids Companies and Societies. And finally, It is hereby Statute and Ordained, that those in the severall Shires and Burghs of this Kingdom, who shall enter in the saids Companies and Societies, conform to the tenour of this present Act, shall give an account thereof to the Parliament, or His Majesties Council of Trade for the time, within after the erection thereof, that the same may be Recorded *ad futuram rei memoriam*.

XL.

Act for erecting of Manufacturies.



Ur Sovereign Lord, considering how many great advantages this Kingdom, and the Subjects thereof, may have by the Erecting, Cherishing and Maintaining of Manufacturies, thereby keeping in the Countrey great sums of money, daily exported for bringing in such Commodities as may be made at home, and bringing in money for such commodities as may be made and wrought within the same, and exported to Forraign Nations; besides that thereby many Poor people and Idle persons and Vagabonds, will be set at work and entertained, whereby vertue will be increased, and idleset curbed and restrained. And that upon this account, and for this end, several Acts have been past by His *Majesties* Rôyal Predecessors, in their Parliaments, Conventions and Councils; especially the one hundred and thirteenth Act of the seventh Parliament, and the two hundred and fifty, and two hundred and fifty two Acts of the fifteenth Parliament of King *James* the sixth, and Acts of Council in the years one thousand six hundred, one thousand six hundred and one, one thousand six hundred and twelve, one thousand six hundred and fourteen, one thousand six hundred and sixteen, one thousand six hundred and twenty, one thousand six hundred and twenty three, and Acts of Convention, one thousand six hundred twenty five, and one thousand six hundred twenty six years. And His *Majesty*, being resolved to prosecute what hath been formerly intended, and to give such encouragements as is necessary for advancing of Manufacturies; Hath therefore thought fit, with advice and consent of His Estates of Parliament, hereby to grant to all such persons as have or shall undertake to set up any Manufacturies, the Priviledges following, *viz.* If any Stranger shall come, or be brought into this Kingdom by Natives, to set up work, and teach his Art in making Cloath, Stuffs, Stockings, Soap, or any other kinde of Manufactory, he shall enjoy the benefit of the Law, and all other Priviledges that a Native doth enjoy; with power to erect Manufacturies either in Burgh or Landwart as they shall think fit, and there to dwell and exercise their Trade without any stop or trouble: And for their further encouragement, Declares; all Oyl, Dying-stuffs, Forraign Wool, Pot-ashes or any other materials whatsoever usefull for Manufacturies, that shall be imported, to be free of Custom, Excise and other publick Dues; and that all Cloath, Stuffs, Stockings, or any other commodity to be made and exported by them, be free of Custom and Excise, for nineteen years after *January* one thousand six hundred and sixty two years. And if any Stock shall be employed for

for erecting or entertaining of any Manufacturies of any kind, the same is to be free of all publick and private Taxes whatsoever. Likeas all Customers, Collectors, Farmerers of Customs or Excise, and others, are hereby Discharged to demand any Custom, Excise, or any other Imposition whatsoever, for such Materials before mentioned and belonging to Manufacturies, as they will be answerable. And in regard of the great prejudice to the Kingdom, by Exportation of Wool, and Skins with Wool upon them, and of other Native Commodities and Materials fit for Manufacturies; Therefore His Majesty, with advice foresaid, Doth hereby Discharge all and every person whatsoever, Native or Stranger, to Export out of this Kingdom any Wool, or Skins with Wool upon them, or Skins of any kind, or any Materials usefull for Manufacturies, until they be made in work, or put to the best avail for the good of the Kingdom; Certifying such as do in the contrair, they shall forfeit such Wool, Skins, and other Materials, or the just value thereof, the one half to His Majesty, and the other half to the Informer, who shall discover, apprehend, and prosecute the same before His Majesties Exchequer, besides that the persons and estates of such Contraveeners, shall be lyable to such punishment and fine for the same, as His Majesties Exchequer shall appoint. And also His Majesty, with advice foresaid, Discharges all Regraters and Forstallers of Mercats of Wool, and that no Merchant nor person whatsoever, buy and keep up Wool to a dearth, but that they bring the same to be sold in open Mercats, under the pains contained in the Acts of Parliament made against Regraters and Forstallers. And in regard there is much deceit by wrapping up of Wool in the Fleece, by putting Stones, Sand, and other insufficient stuff in the same, It is hereby Declared, that all such Wool shall be confiscat, the one half to His Majesties use, and the other half to the use of those who shall apprehend, discover, and pursue the same. Likeas His Majesty, for the further encouragement of the saids Manufacturies, Doth, with advice foresaid, Discharge all Quarterings or Levying of Souldiers upon Manufacturies, or the Masters thereof; and that no person whatsoever, resset, or entertain any of the Servants or Apprentices of the Manufacturies, without consent of their Master, under the pains contained in the Acts of Parliament against Coal-hughers, Salters, and their Ressetters. And for the further improving of the saids Manufacturies, His Majesty, with consent foresaid, Doth hereby Impower the Masters, Erectors, or Entertainers of Manufacturies, to meet by themselves for making of Ordinances for the good and advancement of their Trade, for the right ordering of their Servants, and for the sufficiency of their Stuffs, Cloath and others; and choose one of the most expert of their number for visiting of their work, that a Mark or Seal may be put upon it, distinguishing what is sufficient and what not. And because many things may occur hereafter, which may be necessary for advancement of Manufacturies; Therefore His Majesty, with consent foresaid, Doth Impower the Lords of His Majesties Privy Council or Exchequer, or such as shall be appointed by His Majesty, during this present Parliament, or thereafter, to consider

sider such Overtures as shall be offered for the good of Manufacturies ; and to make such Orders , and grant such further Liberties and Priviledges to them , as they shall think just. It is alwayes Declared, that it shall be free and lawfull to His *Majesties* Treasurer and Commisioners of Exchequer, as they shall find cause, to grant licence for exporting of Wool and Skins , any thing in this Act to the contrary notwithstanding.

XLI.

Act for Planting and Inclosing of Ground.



Our Sovereign Lord , considering how many laudable Laws have been made , by His *Majesties* Royal Progenitors, for Parking and Inclosing of Ground, and Planting of Wood , and for preserving of the same ; and finding the great prejudice hath followed upon the not due observance of so notable and necessary Laws. And how expedient , fit and necessary it will be , for the good of this His *Majesties* ancient Kingdom , especially for Shipping and Building , that Timber be Planted, and how advantageous it is for the increase of Corns and Cattell, and the sowing of Lint and Hemp for Manufacturies, that Parking and Inclosings be made. Doth therefore with advice and consent of His Estates of Parliament, Revive the ninth Act of the fourth Parliament of King *James* the first, of blessed memory, Entituled , *An Act for Planting of Woods, Forrests and Orchards*, and all other Acts made for that effect, by His *Majesty* or any other His Royal Predecessors ; and Ordains the same to be put to execution in time coming, conform to the Tenor thereof, in all points ; with this addition. Likeas, His *Majesty* , with advice of His saids Estates of Parliament, Doth hereby Statute and Ordain , that every Heritor, Liferenter and Wodsetter (according to the qualifications underwritten) within His said ancient Kingdom of *Scotland* , worth one thousand pounds of yearly valued Rent , shall inclose four Aikers of Land yearly at least, and Plant the same about with Trees of Oak, Elme, Ash, Plain, Sauch or other Timber, at three yards distance. And that all other Heritors of greater or lesse Rent, nor the said sum of one thousand pounds money foresaid , do Plant, Inclose and Ditch yearly , more or fewer Aikers, according to their respective Rents, for the space of ten years next ensuing ; and that of such Lands as the Heritors shall think most fit for Planting and capable for Inclosing, to be also Planted, Ditched or Inclosed in manner foresaid ; and that the saids Heritors begin to Plant, Ditch and Inclose the said ground, at the feast of *Michaelmes* next to come , and uphold the same in time coming. And for the further incouragement of the saids Heritors, Wodsetters and Liferenters , to go about the ready observance of the said Act, liberty and power is granted to them , at the sight of the Sheriffs, Stewarts, Lords of Regalities, Barrons, and Justices of Peace, in their

their respective bounds, to cast about the High ways to their conveniency, providing they do not remove them above two hundred ells upon their whole ground; Excepting alwayes herefrom, Burrough and incorporate Aikers, which are no wayes to be Parked or Inclosed, unlesse the Heritors thereof shall think it meet and expedient. And wherethere are Liferenters upon Lands, It is hereby Declared, that the same shall be done upon the equal charges and expences of the Liferenter and Heritor. And in case of Proper Wodsets, It is also hereby specially Declared, that the same shall be done by the Wodsetter, and the charges thereof is and shall be added to the reversion; and no wayes redeemable, while they make paiement thereof; as well as of the sums for which the Lands are Wodset. And for the better encouragement of Heritors, and for preserving of the said Planting and Inclosures, It is Statute and Ordained, that whosoever shall cut or break any of the saids Trees, (not being the Heritors themselves) shall pay unto the Heritors or persons wronged, twenty pounds for every Tree; or if he be not able to pay the said twenty pounds, it shall be in the power of the party thereby wronged, to make him work six weeks, giving him meat and drink allanerly. And further it is Ordained, that whosoever shall break down the Hedges or Dikes of the saids Parks or Inclosures, or be found within the same; being a stranger, shall be holden and repute a breaker down thereof; and pay five pounds for every fault; or if he be not able to pay the said five pounds, to work ten dayes to the owner of the saids grounds, for meat and drink as said is. And for the greater encouragement of all persons, who shall be vertuously inclined, to Ditch, Inclose or Plant their ground, in manner foresaid, His Majesty, with consent above specified, hath Declared, and by thir presents Declares, such parts and portions of their said ground, as shall be so Inclosed and Planted, to be free of all manner of Land-stents, Taxations or Impositions, of whatsoever nature, or Quarterings of Horse in the saids Inclosures, for the space of nineteen years, next after the date hereof; and that at the proportioning of the saids burthens, the same Inclosures shall be exempted and made free thereof accordingly. And also for the better preserving of the saids Inclosures, and of the Trees and Planting to be set about the same, It is Statute and Ordained, that ilk Heritor, Tennant and Cottar, keep their Cattell and Goods, out of their neighbours Inclosures at all times, that their Trees, Planting and Ditching, be no wise damnified or prejudged; under the penalty of five pounds for ilk contravention, *soies quoties*, to be paid to the Party damnified. And further Statutes and Ordains, That where Inclosures fall to be upon the border of any persons Inheritance, the next adjacent Heritor shall be at equal pains and charges in Building, Ditching and Planting that Dike which parteth their Inheritance. And Recommends to all Lords, Sheriffs, and Baylies of Regalities, Stewarts of Stewartries, and Justices of Peace, Baylies of Burroughs, and other Judges whatsoever, to see this Act put in execution, and to grant processe at the instance of the Parties damnified and prejudged, and to see them repaired, after the form and tenor of this Act above-written, in all points.

XLII.

An Act Establishing Companies, and Societies for making Linnen-cloath, Stuffs, &c.



Our Sovereign Lord, considering that all the laudable Laws and Statutes, made by His *Majesties* Ancestors, anent Manufacturies, for enriching of His *Majesties* ancient Kingdom, putting of Poor children, Idle persons and Vagabonds to work, for the maintenance and relief of the Countrey of the burden of such unprofitable persons, have been hitherto rendred ineffectual; And that many good spirits, having aimed at the publick good, have for want of sufficient stocks, counsell and assistance, been crushed by such undertakings, Do conceive it necessary, to Create and Erect Companies and Societies for Manufacturies, that what was above the capacity of single persons, may be carried on by the joynt assistance, counsel and means of many. And therefore His *Majesty*, with advice and consent of His Estates of Parliament, Doth Establish particular Societies and Companies, in the persons of such as shall enter themselves in the saids Societies, within any Shire or Burgh, one or more of this Kingdom; and after their decease, in the persons of their Successors, (it being alwayes Declared hereby, that not any of them shall be represented but by one person allannerly) or any other who shall list and enter themselves therein, betwixt and the day of as the first modern Societies and Companies for making of Linnen-cloth, Worstead Stockings, Searges, Bailes, Sayes, Cottons, Sempiternums, Castilians, Perpetuanaes, and all other Woollen Stuffs and Cloath; and for their encouragement, and the good of this His Highness's Kingdom; His *Majesty*, with advice and consent foresaid, Prohibits and Discharges any of His *Majesties* Lieges, to carry and transport into Spain, Portugal, Biscay, Russia, France, or any place beyond Seas, any Linnen-cloath, Bailes, Sayes, Cottons, Sempiternums, Castilians, Perpetuanaes, or any other Woollen Stuffs or Cloths, except they be free, and of one of the Societies aforesaid. And it is hereby Declared, that all Materials imported for the use of the saids Manufacturies, and that all the saids Stuffs or Cloaths, exported by the said Company, shall be free of all Customs, Excise, or any other Imposition whatsoever, for the space of nineteen years after the day of all other Merchants not free in one or other of the saids Companies, paying the usuall Customs, Excise, or any other Impositions, for any of the saids Commodities Exported by them. As also His *Majesty*, with advice foresaid, for the good and encouragement of these who shall enter themselves in the saids Companies, Doth discharge the saids Companies *respective*, where ever the same shall be erected, to receive any within the same, except these who shall contribute and bring in to make up a Stock to the saids Manufacturies, the sum of five hundred merks Scots, and doth Grant

grant liberty to the saids Members of the saids Societies *respective*, to choose and elect a certain number of their own Incorporation and Society, to be a Council for making of Laws, for their better regulating and ordering of the said Company and Manufactory, and things belonging thereto; providing alwayes, that no person elected have less of Stock, in the said Company or Society, nor one thousand merks *Scots* money. And that this Pious, Charitable and Profitable Design, may be no longer frustrate, nor poor Children, Vagabonds or Idle persons, continue to be burdensome to their Countrey; It is Statute and Ordained, that there be in each Paroch, one or moe persons provided and appointed, upon the charges and expences of the Heritors thereof, for instructing of the poor Children, Vagabonds and other Idlers, to fine and mix Wool, spin Worstead, and knit Stockins. And for the more speedy perfecting of the laudable Design and Policy; so much aimed at by His *Majesties* Royal Predecessors, and now prosecute by His *Majesty*, in His prudence, and condescending care for the meanest of His Subjects, It is Statute and Ordained, that within moneths after the dissolving of this present Parliament, the Commissioners of Shires do convene the whole Heritors within their respective Shires, for electing of some of the Heritors within each Paroch, to see this present Act made effectual, and persons appointed for instructing of the Children and others foresaid, to fine and mix Wool, knit Stockins, spin Worstead, and to see a maintenance setled in every Paroch upon the saids Instructors: And within the space of next after the said first meeting, that they convocat the persons elected, within the severall Paroches of the respective Shires, to take an account of them and of their care and diligence in the matters afore said; and in case they shall be found to have failed, that the saids Commissioners now attending this present Parliament, do see this present Act put in execution after the time afore said, in all the saids Paroches where the saids persons elected shall be found to have been deficient; and Ordains Magistrates of Burghs to be carefull that the same be made effectual within their Burghs and Liberties. And in case all, or any of the saids Commissioners or Magistrates afore said, do fail herein after the foresaid time; His *Majesty*, with advice and consent of the Estates afore said, Doth commit the care hereof to the Lords of His *Majesties* Secret Council, that the Laws may be no longer frustrate, nor the Kingdom burdened with Idle persons, Vagabonds, or poor Children. And that Manufacturies may be promoted, and for the incouraging of skillfull Artizans to come from abroad, for training up the persons foresaid, and working for the use of the saids Companies, It is hereby Declared, that all such as shall be brought home and imployed for the saids Companies, shall be free to set up and work in Burghs and Landwart where the Companies shall think fit, without paying any thing whatsoever to any person or persons, under whatsoever colour or pretext, for their Freedom; and shall be free of Taxes and publick Burdens or Exactions during their lifetime; notwithstanding of any Law, Statute, Priviledge or Indulgence, made or granted in the contrair by His *Majesty*

or any of His Predecessors, in favours of any Committee or Incorporation whatsoever, which are all hereby Cashed, Rescinded, and Declared void and null, in so far as they may be conceived to derogate from the Privileges and Immunities granted by this present Act, in favours of Trades-men, Natives or Strangers, belonging to, or brought home by, the saids Companies, for working in the saids Manufacturies. And to the end that the foresaid Stuffs and Cloaths may be more usefull at home, and have the better vent abroad, His Majesty, with advice foresaid, doth Prohibit and Discharge any Weaver belonging to the saids Companies, or private Trades-man, to make any Searges, under the breadth of an ell and a nail; Perpetuanes and Sem-piternums, under the breadth of three quarters and a half; nor no Woollen Cloath, under an ell and a half broad; under the pain of twenty pounds, to be paid by the Weaver thereof, and the saids Stuffs and Cloaths to be confiscat, the one half to His Majesties use, and the other half to the use of the discoverers thereof. Further, His Majesty, with advice foresaid, for encouragement of these who shall enter into the saids Companies or Manufacturies, Doth grant to ilk one of the saids Companies, all the Privileges and Immunities that are, or shall be hereafter by the Kings Majesty indulged to the Companies or Societies of Fishers, as if the same were herein exprest. Whereanent, His Majesty, with consent foresaid, hath dispensed, and hereby dispenses for ever.

XLIII.

Act discharging the exportation of Linnen-yarn, and regulating the breadth of Linnen-cloath, &c.



Our Sovereign Lord, conceiving it necessary, for the good and wel being of His Majesties Subjects, to project and endeavour the improvement of all the Native Commodities of this His Majesties ancient Kingdom, and to make Laws and Ordinances, for eviting and preventing of all fraud and deceit used heretofore, in making Sale of the saids Commodities; And considering that it would tend more to the advantage of His Majesties Subjects, and promoting of Manufacturies, to restrain the liberty that Merchants have taken to export Linnen-yarn, then suffer them to carry the same into other places and Kingdoms. Therefore His Majesty, with advice and consent of His Estates of Parliament, Discharges any Merchant or others whatsoever, to transport out of this Kingdom any Linnen-yarn, under the pain of Confiscation of the same, the one half to His Majesties use, and the other half to the use of the Attacher and Apprehender of the said Yarn; and Statutes and Ordains that all Yarn be sold by weight, and that no Reel be made use of within this Kingdom, under the measure and length of ten quarters, and that under pain of Confiscation of any Yarn brought to the Mercat of a shorter

Reel, the one half to His *Majesties* use, and the other half to the use of the Delaters and Apprehenders of the said Yarn. As also, His *Majesty* considering, that Linnen-cloath is one of the most usefull Commodities of the product of this Kingdom, whereby much money in ancient times was brought home; And that now, to the great prejudice of the said Commodity, the same is brought in contempt abroad, and become hardly vendible, through the deceitfull Making, evil Bleetching, and unequal Breadth thereof: Therefore His *Majesty*, with advice and consent of the saids Estates, doth Discharge and Prohibit all Weavers to make any Linnen-cloath, of the price of ten shillings *Scots* the ell, or above, under the Breadth of an ell and two inches, after the first day of *November* next to come, under the pain to be imprisoned, for the space of fourteen dayes, and of twenty pounds *Scots* to be paid for each fault, to Magistrates of Burghs, Sheriffs of Shires, Lords of Regalities, and Barrons within their respective bounds, and of the Confiscation of the same, to the use of the Attachers and Discoverers thereof; and Statutes that all Linnen-cloath be taken up by Selvage, and not by the Rigg, and so to be presented to the Mercat; and that all Linnen-cloath be Bleetched without Lime, under the pain of twenty pounds for each fault, to be paid to the Magistrates foresaid, within their respective bounds. And lastly, It is hereby Declared, that all Flax and Linnen.yarn Imported, and all Linnen-cloath Exported, by such as shall enter into the Companies and Manufacturies for making of Linnen-cloath, shall be free of Custom; and all other Imposition, for the space of fifteen years after the saids Manufacturies shall be established in the persons of such as shall enter themselves in the said Companies, betwixt and the first day of *January* next, conform to another Ordinance of Parliament for establishing the saids Companies.

XLIV.

Act for incouraging of Shipping and Navigation.



Our Sovereign Lord, considering that the Wealth, Safety and Strength of this Kingdom, are very much concerned in the increase of Shipping, and incouragement of Trade and Navigation; both which are much decayed, if not wholly ruined, by the late unhappy Wars, and the sad effects that have followed thereupon. And perceiving the present low condition of Trade, and the small number of Ships and Sea-men within this Kingdom, Hath thought expedient, out of His Princely zeal for the publick good, with advice and consent of His Estates of Parliament now presently convened, to Sature and Ordain, and by these presents Statutes and Ordains, that from and after the day of _____ and thence forward, no Goods nor Commodities whatsoever, that are of Forreign growth, Product or Manufacture, which are

ACT 44. King CHARLES the II. 1661. 91

are to be brought into *Scotland*, or any of the Isles thereto belonging, shall be shipped or brought from any other place or places, Countrey or Countries, but only from those places where the saids Commodities do grow, are produced or made, or from the Ports where the saids Goods and Commodities commonly are, or usually have been, first shipped for Transportation, and from no other place or Countrey; and in no other Ships or Vessels, but such as do truly and only belong to His said Kingdom; and whereof the Master, and three fourth parts of the Mariners, are Natives and Inhabitants within the same; or at least in such Ships and Vessels, as do truly and only belong unto, and are of the build of, these Kingdoms or Countries where the saids Commodities do grow, are made or produced; and whereof the Master, and three fourth parts of the Mariners, are Natives and Inhabitants within the same. All which is to be verified and attested, under the Seal of the City or place from whence they come; and Oath of the Parties to whom the said Ships or Vessels do belong, under the pain of Confiscation of all such Goods as shall be imported from any other place or Countrey, or in any other Ship or Vessel, contrair to the true intent and meaning of this Act; As also of the Ship in which they shall happen to be imported, with all her Guns, Furniture, Tackle, Ammunition and Apparelling, the one half to His Majesty, and the other half to the use of those who shall discover the Contraveeners of this present Act, and pursue for the same before the Lords of His Majesties Exchequer. And further it is Statute and Ordained by His Majesty, with advice and consent foresaid, that all Goods or Commodities whatsoever, produced or shipped, as is above exprest, which from and after the said day, and thenceforward, shall be Imported into this Kingdom, or any Islands thereto belonging, in any Ships or Vessels, that shall not truly and only belong to the Natives and Inhabitants thereof (except in English or Irish Vessels; Providing alwayes that *Scots* Vessels enjoy the like benefit of Trade within the Kingdoms and Dominions of *England* and *Ireland*, and no otherwayes) shall be lyable to double Custom, and pay accordingly, whether the saids Goods pertain to Natives or Aliens. And further it is Statute and Ordained, that from and after the said day, and thence forward, all Goods and Commodities whatsoever, belonging to Aliens, Exported or Imported in whatsoever Ships or Vessels, whether Forraign or Scottish, shall be lyable to double Custom, and pay accordingly. And it is further Statute and Ordained, that from and after the said day, and thenceforward, all Goods or Commodities whatsoever, Exported in any other Ships or Vessels, then such as do truly and only belong to the Natives and Inhabitants of this Kingdom, shall be lyable to double Custom, and pay accordingly, whether the saids Goods appertain to Natives or Aliens. And it is further Enacted and Ordained by His Majesty, with advice and consent foresaid, that at and after the said day, and thence forward, all Ships and Vessels belonging to this Kingdom, shall be Navigated only by *Scots-men*, dwelling in *Scotland*; at least the Master and three fourth parts of the same being such, under the

pain of being esteemed Forraign Vessels, and paying double Custom, for all the Goods and Commodities, Imported or Exported within the same. And for preventing of all frauds, which may be used in the buying of Forraign Ships, It is Statute and Ordained by His Majesty, with consent foresaid, that from and after the said day no Ship whatsoever, shall be deemed or passe as a Ship belonging to Scotland, or injoy the benefit of such a Ship or Vessel, untill such time that he or they claiming the same to be theirs, shall make appear to the chief Officer or Officers of the Customs at *Leith*, he or they residing in any place betwixt *Berwick* and *Stirling* on the South-side of *Forth*, and to the chief Officer or Officers at *Burntisland*, he or they residing in any place betwixt *Stirling* and *Fife-ness* upon the North-side of *Forth*, and in case of their abode in more remote places, to the Officer or Officers, of the Port next to the place of his or their abode, that they or he are not Strangers, and shall have taken an Oath, before such Officer or Officers, who are hereby authorized to administer the same, that such Ship or Vessel was *bona fide*, and without fraud, bought by him or them, for a valuable consideration, expressing the Sum, Time, Place and Persons, from whom it was bought, and who are his Partners (if he any have) All which Partners shall be lyable to take the said Oath, before the chief Officer or Officers, of the Customs *respective*, as said is; and that no Forraigner, directly nor indirectly, hath any part, interest or share therein; and that upon such Oaths, he or they shall receive a Certificat under the Hand or Seal, of the said chief Officer or Officers, of the Port next the abode of the persons so making Oath, whereby such a Ship may for the future passe, and be deemed as a Ship belonging to the said Port, and injoy the priviledge of such a Ship or Vessel, and the said Officer or Officers, shall keep a Register of all such Certificats, as he or they shall so give, and return a Duplicat thereof, to the chief Officers of the Customs at *Leith*, for such as shall be granted in all the other Ports of this Kingdom, together with the names of the person or persons, from whom such Ships were bought, and the sum of money which was paid for the same; as also the names of all such persons as are Partners, if any such be. And it is further Enacted by His Majesty, with consent foresaid, that if any Officer of the Customs, shall from and after the said day, allow to any Forraign Ship or Vessel, the priviledges due to a *Scotts* Ship, till such Certificat be by them produced, or such Proof and Oath taken before them, or such as they shall appoint to receive the same, and to examine whether the Master and three fourth parts of the Mariners at least, be Natives and Inhabitants within this Kingdom; that for the first offence, such Officer or Officers shall be put out of their Offices or Places. And it is further Statute and Ordained, that no Merchants belonging to this Kingdom, shall imploy any Alien, or person not born within this Nation, or naturalized, or made a free Denizen thereof, from and after the said day, as Factor in any place beyond Seas, for the use and account of the Merchants of this Kingdom under pain of a pecuniary Mule, to be paid by him, or them that shall imploy him: which sum shall be imposed

ACT 45. King CHARLES the II. 1661. 93

imposed at the discretion of the Council of Trade, the one half thereof, to His Majesty and Successors, and the other half, to him or them that shall inform and pursue for the same. It is alwayes hereby provided, that this Act, nor any Clause therein contained, extend nor ro, or be meant to restrain or prohibit, the Importation of any of the Commodities of *Asia*, *Africa*, or *America*; as also of the Commodities of *Musco* and *Italy*, from such Ports and places, and in such Ships and Vessels, as may be gotten most conveniently, untill such time as the Merchants of this Kingdom, have actual Trade to these respective places; and that the same be prohibited by Act of Parliament, Privy Council, or Council of Trade. It is hereby Declared, That it shall be lawfull to import any sort of Corns, in time of dearth, from any place or places, in any Ship or Vessel whatsoever, without being lyable to Confiscation, double Custom, or any other Penalty contained in this present Act; the dearth and necessity of Import being alwayes cognosced and declared, by a publick Act of the Privy Council, or Council of Trade.

XLV.

ACT discharging the Exportation of Skins,
Hides, &c.



He Kings Majesty, considering how necessary it is, that all former Laws for improving of Native Commodities be Revived, and understanding that the Deacons and remanent Trades-men of the Skinners, have upon their own charges, brought from Forraign places, Perfumers, makers and preparers of Leather, by whose pains and Art, the Kingdom may be furnished with Gloves at easier Rates, and be able to furnish other Nations abroad with Made-work; Doth therefore with advice and consent of the Estates of Parliament, Ratifie and Approve the hundred seventy eight Act of the thirteenth Parliament of King James the sixth of blessed memory, discharging the Exportation of Skins and others therein contained; and Ordains the same to be put to execution, conform to the tenor thereof in all points. And also considering how useful Goat-skins, Hart, Deer, and other wilde Beasts Skins might be, if they were prepared and improved by Skinners within the Kingdom; His Majesty doth therefore with advice foresaid, Discharge all Merchants, Trades-men and others, to transport any Call-skins, Kid-skin, Hudderon, or Shorling-skins, or any Goats-skins, Hart, Buck, Deer, or any other wilde Beasts Skins forth of the Kingdom, under pain of Confiscation of the same. And for the further encouragement of the Skinner-trade and Manufactory, Licence is hereby given to export Gloves made within the Kingdom, free of all Custom and Excise, for the space of nineteen years

years after the date hereof, reserving alwayes to the Lord-Treasurer and Commissioners of Exchequer, to give Licences for Exporting of Skins, as they shall find cause, after one year from the date hereof.

XLVI.

Act discharging Exportation of Woollen-yarn, Worstead, broken Copper and Pewter, &c.



He Kings *Majesty*, considering the great prejudice this Kingdom and Manufacturies do receive, by the Export of Worstead, Woollen-yarn, Raw and Unwaked-cloath and Stuffs; and the discouragement that Trades-men and Artists have, by the Export of broken Copper, Brasse and Pewter; Doth therefore, with advice and consent of His Estates of Parliament, Discharge all Merchants, Trades-men, and others whatsoever, as well Strangers as Natives, upon any colour or pretext whatsoever, to export forth of this Kingdom, any Worstead, Woollen-yarn, Raw or Unwaked-cloaths and Stuffs whatsoever, made within the same, (Plaiding excepted) or any broken Copper, Brasse or Pewter, under the pain of Confiscation of what of any of the particulars above-written shall be apprehended in the Exporting; the one half to be applyed for His *Majesties* use, and the other half for the use of the apprehender and pursuer of the same.

XLVII.

Act discharging Trades-men to Import Made-work.



He Kings *Majesty*, considering the great discouragement given to Manufacturies and Trades, by Trades-men's bringing home from Forraign places, such Commodities as may be made within the Kingdom, by these of the same Trade; Doth therefore, with advice and consent of the Estates of Parliament, Inhibit and Discharge all Trades-men and Mechanicks, to Import from Forraign parts any Made-work belonging to that Trade or Calling whereof they are Free-men; or to vend the same, or any such Ware brought home by Merchants, in their Shops or otherwayes, under the pain of Confiscation, the one half to His *Majesties* use, and the other to the apprehender or pursuer of the same.

XLVIII.

Act for incouraging of Soap-works.



He Kings most Excellent *Majesty*, considering the great advantage this His ancient Kingdom hath had, and may have by erecting and keeping up of Soap-works, whereby the Eastern Trade and Green-land Fishing will be much helped, by Importing of Pot-ashes and other Materials; and money brought into the Kingdom, by the Exported Soap made within the same; And His *Majesty* being sensible of the prejudice this Kingdom hath suffered during these troubles, by the decay of these works, and being willing to give all due incouragement to the same for the future; Doth therefore, with advice and consent of the Estates of Parliament, Declare all Oyl, Pot-ashes, and other Materials of any kinde whatsoever, to be imported for the use of Soap-works or making of Soap, and all Soap made within the Countrey, to be free of all Custom and Excise, and all other publick or private Dues whatsoever; and also that all Soap, so made and exported, shall be free for the space of nineteen years; after the setting up of these works, and after the date hereof, for such works as are already set up; and discharges all Customers, Collectors or Fermenters of Excise or Custom, and all others whatsoever, to demand Custom, Excise or other Duty, for any Oyl, Pot-ashes, Tallow, or other Materials Imported for making of Soap, or use of Soap-works allannerly, or for Soap made within the Kingdom, and exported as said is.

XLIX.

Act Reducing the Annuals to Six for the Hundred.



He Kings *Majesty*, with advice and consent of the Estates of Parliament, Hath thought fit, upon divers good considerations, to Reduce, Likeas hereby they do Reduce, the Annualrents of all money within this Kingdom, to Six for the Hundred yearly; in all time coming. And Declares the said Six for the Hundred to be free of all Retention, or other publick Burdens whatsoever.

Act

L.

*Act and Offer of Twelve thousand pounds Sterling
to the Lords of Session.*



Orasmuch as among the many and unparallel'd blessings, wherewith it hath pleased the Almighty GOD to visit these Kingdoms, in the return of His Majesty to the exercise of His Royal Government, it is the great happiness of this Kingdom, that the ordinary Judicatories, the fountains and seats of Justice, are by His Majesty established, according to their ancient and well grounded Constitutions; And the Estates of Parliament considering, how much it doth import the advancement of His Majesties service, the honour of the Kingdom, and the good of the Subjects, that the Senators of the Colledge of Justice (who are the Supream Judges under His Majesty, in all civil Causes) should be provided to a competent allowance, towards their charge and expenses, in their attendance on this their publick Administration. And understanding, that by the calling down of the Annualrents from ten to six of the hundred, and by the disability of some Debtors, and by laying aside the twentieth penny of Sentence-silver, (which is conceived to be an unequal burden and grievance to such as must sute the benefit of the Law, and so are lyable thereto, before they can have repetition of it, or recovery of their just Debts) the perfont yearly allowance to each of them, will not exceed one hundred pounds Sterling; which being so mean, and unsuteable to the honour and reputation of that imployment, and to equity and justice, as to the persons called by His Majesty to serve therein; Therefore the Estates of Parliament have thought fit to grant, likeas they do hereby make a free Offer and Grant of a Taxation of Twelve thousand pounds Sterling towards the making up of a Stock, whereof the Annualrent is to be employed for the use aforesaid, and to be paid by the Shires and Burghs of the Kingdom; the one half thereof in the moneth of *November* next to come, and the other half in the moneth of *May* thereafter, in the year one thousand six hundred and sixty two years, and to be raised in the same manner, the present or last Impositions are, and have been paid. And in order thereunto, The Kings Majesty, with advice and consent of His Estates of Parliament, Doth hereby Statute and Ordain, the said sum of twelve Thousand pounds Sterling, to be paid by the Shires and Burghs of the Kingdom, in manner and for the use aforesaid, the one half thereof in the moneth of *November*, and the other half in the moneth of *May* next to come; and that the same be brought in and delivered to any, whom the Senators of the Colledge of Justice shall appoint to receive the same; and whose discharge upon the receipt thereof, in whole or in part, shall accordingly be a sufficient exoneration to the Shires and Burghs, and all others whom it effeirs. And the
saids

ACT 51, 52. King CHARLES the II. 1661. 97

saids moneths of *November* and *May* *respective*, being past, Ordains Letters of Horning and Poynding, and all other Execution necessar to be directed at his or their instances, against the Shires or Burghs of the Kingdom and their Collectors: And twenty dayes being expired, after either of the saids moneths *respective*, Ordains Quartering to be upon deficient Shires and Burghs; and that all who command the Forces within the Kingdom, give orders, and be assisting hereunto accordingly.

L I.

Act concerning Arrestments.



Our Sovereign Lord, considering the great charges that Creditors are put to, by Comprising of Sums owing to their Debtors, by vertue of Heritable Bonds, Contracts and other Writs bearing payment of Annualrents: which in respect of the Obliegement for Annualrent, were not in former times Arrestable. Therefore the Kings *Majesty*, with advice and consent of His Estates of Parliament, Finds and Declares, that all Sums of money which are addebted by Bonds, Contracts and other personall Obliegements, whereupon no Infestments have followed, are, and shall be Arrestable at the instance of any Creditor; not-withstanding that the Bonds, Contracts and other Obliegements bear payment of Annualrents. And the Kings *Majesty*, with advice and consent foresaid, Declares that this shall no wayes change the nature of the saids Sums, nor prejudice the Heir nor any other person their rights to the same as being Heritable, which are hereby Declared to remain in their own nature unchanged by this Act, *pro ut de jure*, except that only the same are Arrestable. And it is hereby expressly provided, thar all Arrestments and Executions thereof, since the twenty ninth day of *July*, one thousand six hundred and fourty four years, used conform to the tenour of this Act, shall be as valid and sufficient, as if this present Act had been of the said date; But prejudice alwayes to the Creditors to Comprise the saids Heritable Sums, if they shall choose rather to Comprise then to Arrest.

L II.

Act concerning the disposal of Vacant Stipends.



Orasmuch as by divers Acts, it is found that Stipends and Benefices of Vacant Kirks, or which thereafter should vaik by Decease, Deposition, Suspension, Transportation of Ministers, Disunion of Kirks, or any other way, should, during the vacancy thereof, be employed on pious uses; and the Kings *Majesty* considering, that during these troubles, many Learned and Religious persons in the Ministry and Universities, for their expressions

expressions of duty and loyalty to His *Majesty*, or not concurring in the confusions of the time, have been Deposed, or Suspended from their Charge and Ministry, and have been otherwayes put under great sufferings, and they and their Families redacted to extream misery and want. And conceiving it to be an Act of great Piety and Justice, to have regard to the sufferings of those honest and faithfull Ministers and others, and in some measure to provide for them, and repair their losses; Therefore His *Majesty*, with advice of His Estates of Parliament, Ordains all Stipends or Benefices of Kirks that are vacant, and not already disposed of, or which shall vaik by Decease, Deposition, Suspension, Transportation, or any otherwayes, to be employed for the supply and maintenance, and towards the reparation of the sufferings and losses of the persons aforesaid, and of the Wives and Bairnes of such of them as are dead, and that in such manner and wayes, as after tryal of their merits and sufferings, and the causes and grounds thereof, shall be thought fit by the Lords of His *Majesties* Privy-Council, to whom His *Majesty*, with advice and consent foresaid, commits the care of this business; And doth hereby impower and require them to use all diligence, that the Favour and Justice hereby intended by His *Majesty*, to these suffering Persons and their Families, may be made effectual; and that notwithstanding of any thing contained in any of the saids Acts to the contrair. It is alwayes provided, that this Act is without prejudice of any Benefit, which by the Law and Custom of this Kingdom, falls to the Relict, Bairnes or Executors of a Minister after his decease, and that this Act is to endure for the space of seven years, and longer as His *Majesty* shall think fit.

LIII.

*Act ratifying the Act of Parliament 1633. anent the
Annexation of His Majesties Property, &c.*



Ur Sovereign Lord, with advice and consent of the Estates of this present Parliament, Ratifies and Approves, and for His Highness and His Successors, perpetually Confirms, the tenth Act of the first Parliament of His *Majesties* Royal Father of blessed memory, King *Charles* the first, holden at *Edinburgb*, in *Anno* one thousand six hundred and thirty three, Intituled, *An Act anent the Annexation of His Majesties Property*, in the whole Heads and Clauses thereof; especially that Clause of the same, whereby His *Majesty* and the Estates of Parliament then convened, did Declare the right and title of Superiority, of all and sundry Lands, Barronies, Milnes, Woods, Fishings, Towers, Fortalices, Mannor-places, and pertinents thereof, pertaining to whatsoever

ACT 53. King CHARLES the II. 1661. 99

whatsoever, Abbacies, Priories, Prioreffes, Preceptories, and whatsoever other Benefices, of whatsoever Estate, Degree, Title, Name or Designation the same were of, Erected in temporal Lordships, Barronies or Livings, before or after the general Act of Annexation of Kirk-land made in the month of *July* one thousand five hundred eighty and seven, together with the whole Few-mails, Few-fermes and other Rents and Duties of the saids Superiorities to be annexed, and to remain with the Crown for ever, upon the reservation of the Lords and Titulars of Erection therein specified: Likeas thereby His *Majesty* and Estates foresaid, Found and Declared, that all Titulars of Erection without exception, should hold their property and proper Lands of the Kings *Majesty* and His Successors in Few-ferm, for paiment of the Few-ferm-duties, contained in the Infeftments, granted to them before the said Act of Annexation, and no otherwayes. And thar all Rights and Deeds, made and granted to whatsoever person or persons, preceeding the date of the foresaid Act, which might prejudice His *Majesty* and His Successors, in the peaceable injoying of the said Superiorities and Few-ferm-duties, should be null and of no avail, by way of action, exception or reply. And further, His *Majesty*, with advice and consent foresaids, of new Declares, the toresaid Superiorities of all and whatsoever Kirk-lands, Milnes, Woods, Fishings and whole pertinents of the same, pertaining of before to whatsoever Chapters, Priors, Prioreffes, Preceptors, and whatsoever other Benefices of whatsoever other Estate, Degree, Title, or Designation they be of, whereof the Presentation belonged to His *Majesty* and His Highnesse Predecessors, erected in temporal Lordships, Barronies and Livings, to pertain to His *Majesty* and His Highnesse Crown, therewith to remain in all time coming. And also Declares all and whatsoever Grants, Rights or Infeftments, of any of the saids Superiorities of the Lands and others pertaining to whatsoever Chapters, Priors, Prioreffes, Preceptors, Abbacies, and whatsoever other Benefices of whatsoever Estate, Degree, Title, Name or Designation the same were of, with all Warrands, Tacks, Commissions, Baileries or Deputations for entring of the Vassals thereto, made and granted by His *Majesty*, or His said Umquhile dearest Father, in any time by-gone, since the Surrender in *Anno* one thousand six hundred twenty seven, or to be made in time coming, with all other Gifts and Donations of the saids Few-duties, formerly belonging to the saids Lords of Erection, and made by His *Majesties* said Umquhile dearest Father, after the Surrender, and before the Redemption thereof from the saids Lords, and all heritable and irredeemable Rights, granted by His *Majesties* said Umquhile dearest Father after the redemption, whereby the Profits, Casualties and Emoluments of the Superiority of the said Kirk-lands, may be conferred to any other person, except the proper Vassals thereof, directly or indirectly, of whatsoever Name, Title or Designation they be of, and of all gifts of new Regalities or Jurisdiction, to be null by way of exception or reply: Reserving alwayes to these persons, who have right to the Few-duties, the Right and Title thereto. And reserving to *John* Earl of *Lunderdail*, His *Majesties*

Sole Secretary for the Kingdom of *Scotland*, a Signatur superscribed by His *Majesty* at His Court of *Whitehal* the twenty fifth day of *May* last by past, and past in His *Majesties* Exchequer, of all and whole the Lordship, Barronie and Regalitie of *Musleburgh*, containing a new gift of Union and Ereccion of the same, in a free Lordship, Barronie and Regalitie; and discharges the Treasurer Principal and Deput, Commissioners of the Treasurary, and remanent Lords of Exchequer, Writers to, and keepers of, the Seals, from all passing or expeding any such new Grants, Rights, Infeftments, Tacks, Warrands, Commissions, Baileries, or Deputations for entring of Vassals, except allanerly such Infeftments and Signatures, as shall be granted to the Lords and others, who had formerly right to the saids Ereccions and Superiorities, whereby they might have right to claim the Few-ferms and Few-duties addebted by the Vassals and other Subjects in payment thereof, allanerly, ay and while they be satisfied therefore, in manner specified in the fourteenth Act of His *Majesties* said Umquhile dearest Father His first Parliament, and with the whole remanent exceptions and reservations, contained in the saids Acts, made in *Anno* one thousand six hundred and thirty three, which are holden as repeated and exprest herein. It is alwayes Declared, that notwithstanding of this Act, any who have gotten or shall get any new Infeftment of Superiority of Kirk-lands, the same shall stand good, as to such Vassals who have given their consents to the said right of Superiority: In regard that such a consent, as to His *Majesty*, is of the nature of a Resignation of their property, in favours of the saids Superior, to be holden of the King. But prejudice nevertheless to His *Majesty*, of His Highness right of reversion of the Few-ferm, Few-duties and Casualties, conform to the foresaid Act of Parliament, one thousand six hundred and thirty three.

LIV.

Act in favours of Laick Patrons, of Provestries, Prebendaries, Chaplanries and Alterages.



Our Sovereign Lord, with advice and consent of His Estates of Parliament, Ratifies and Approves the Act of Parliament, made by King *James* the sixth, His *Majesties* Grand-father, of eternal memory, Parliament first, *Chap.* twelfth, *Anent Provestries, Prebendaries, Alterages, Chaplanries*, and *Collegiat Kirks*, pertaining to laick Patrons, together with the Act of Parliament twelfth, *Chap.* one hundred and fifty eight, Ratifying the same; and Ordains the saids Acts to have full force and effect in all time coming; with this Declaration alwayes; That in respect the Vassals which held Lands of the saids Provests, Prebendars, and others foresaids, are put to a great uncertainty of their Superiors, it not being known to them who are provided to the saids Provestries, Prebendaries, Chaplanries, Alterages, and others foresaids, by reason there

Act 54. King CHARLES the II. 1661. 101

there is no publick Register, to the which they may have recourse for knowledge and notice thereof; and that the most that they can know by any Register, is the Infeftments and Seizings, made to these who are laick Patrons holding of His *Majesty*. Therefore, for securing of the Vassals, who hold Lands, Milnes, Fishings, Tenements, Annual-rents or others whatsoever, of the saids Provestries, Prebendaries, Collegiat Kirks, or of Chaplanries, Alterages; and others of that nature, at any time of before; It is Statute and Ordained, that the entry of the saids Vassals by Retour, Precept of *Clare constat*, Resignation, Comprising or otherways whatsoever, shall pertain to the laick Patrons and their Successors, who stand in feft in the said laick Patronages, holding immediatly of His *Majesty*; and that the entry of the Vassals by them, shall be as valid and sufficient to the saids Vassals, receivers thereof, as if they were entered by the Titulars of the saids Provestries, Prebendaries, Alterages, Chaplanries, and others foresaids. And that the said laick Patrons, shall be in all time coming in their place as Superior to the said Vassals, and to have the same power to give Infeftments to His *Majesties* Subjects, upon Retour or by precept of *Clare constat*, or by Resignation, Comprising, or any manner of way, with Gifts *De novo Damus*, and that without consent of persons provided, or to be provided, to the saids Provestries and Prebendaries of Collegiat Kirks, Alterages, Chaplanries, or other Titulars of Collegiat Kirks; and also without consent of the Chapter or Convent of the saids Prebendaries thereof, or most part of the same; which of before was in use and custom. Whereanent, and anent all Acts in the contrair; His *Majesty*, with consent foresaid; dispenses, for ever, Reserving alwayes to the Titulars of the saids Provestries, Prebendaries, Alterages, Chaplanries, and others foresaids, the Fruits, Rents and Emoluments of the saids Provestries, Prebendaries, and others foresaids, which are no wayes prejudged by this present Act. It is hereby further Statute and Ordained, with advice and consent foresaid, where there are any Prebendaries, Chaplanries, Alterages, or other foundations of that nature above-mentioned, founded and situated within any Burgh Royal of this Kingdom; that the Provest, Baylies and Council of that Burgh, where the same are founded, are and shall be in all time coming, only undoubted Superiors, by whom, and by no others, the Vassals and Tennents shall enter in manner above-specified; the saids Provest, Baylies and Council having been formerly Patrons of these Chaplanries.

LV.

Act anent Cocquets and Entries of Ships.

Our Sovereign Lord, understanding there are diverse abuses committed by the Customers and receivers of Entries of Ships, and by the keepers of the Cocquet, in sometime exacting from Masters of Ships, greater sums of money then is due to them, and sometimes absenting themselves, to the great prejudice of the Merchants estate, and to the hazard of the loss of their voyage. Therefore our Sovereign Lord, with advice and consent of the Estates of Parliament, Ordains that there be no greater price exacted, for entering their Ships and Goods, then the sum of twenty three shillings four pennies; and for the said Cocquet, then the sum of fourty shillings; and that the keepers of the said Cocquet, attend by themselves or their servants, diligently and readily to answer and give out Cocquets to all Merchants and Masters of Ships, under pain of losing their place, whensoever they shall be found, either to exact more then the said sum above written, or shall occasion to the saids Merchants and Masters more delay nor is needfull for writting of the same.

LVI.

Act anent Coal-bewers.

Our Sovereign Lord, with advice and consent of His Estates of Parliament, Ratifies the eleventh Act of the eighteenth Parliament of King James the sixth, of worthy memory, made anent Coal-bewers and Salters, with this addition, That because Water-men who laves and draws water in the Coal-heugh-head, and Gate-men, who work the wayes and passages in the said Heughs, are as necessar to the owners and Masters of the said Coal-heughs, as the Coal-bewers and bearers. It is therefore Statute and Ordained by Our Sovereign Lord, with advice and consent foresaid, That no person shall hire nor seduce any Water-men, Wind-men and Gate-men, without a Testimonial of the Master whom they serve, under the pains contained in the former Acts in all points. And because it is found by experience, that the giving of great Fees, hath been a mean and way to seduce and bring Coal-bewers from their Masters, It is therefore also Statute and Ordained, That it shall not be lawfull for any Coal-masters in this Kingdom, to give any greater Fee then the sum of twenty merks in Fee or Bounteth, under any colour or pretext: and because the

saids

Act 57. King CHARLES the II. 1661. 103

saids Coal-hewers and Salters, and other Work-men in Coal-heughs within this Kingdom, do ly from their work at *Pasch, Zule, Whitsunday*, and certain other times in the year; which times they employ in Drinking and Debauchry, to the great offence of GOD, and prejudice of their Master; It is therefore Statute and Ordained; That the saids Coal-hewers and Salters, and other Work-men in Coal-heughs of this Kingdom, worke all the six dayes of the Week, except the time of Christmase, under the pain of twenty shillings *Scots*, to be paid to their Master, for ilk dayes failzie (by and attour the prejudice sustained by their saids Masters) and other punishment of their bodies.

LVII.

ACT discharging the Custom of two and a half of the hundred, and the Impost of four pounds on the Tun.



Our Sovereign Lord; considering that the prices of all Merchandice do daily rise to exceeding great dearth, which is alleaged to be occasioned through extraordinary Customs and Impositions. For remedy whereof, His Majesty, with advice and consent of His Estates of Parliament, Doth discharge all and sundry whatsoever Customs and Impositions exacted by the Customers, which are not allowed by the Acts of Parliament, and especially the late Custom of two and an half *per cent.* and the late new Imposition of four pounds upon the Tun of Wine, and all raising of His Majesties Customs, directly or indirectly, without consent of Parliament. And because that the too much troubling of Merchants, and drawing of Masters and Mariners from their ordinary charges, doth much impede the Trade; Therefore His Majesty, with advice and consent foresaid, discharges the taking of Merchants, Masters and Mariners Oaths in the matter of Customs. And to the end, that the Subject of Trade may not be restrained with unnecessary Customs, His Majesty, with advice and consent foresaid, Declares, that all Goods and Merchandice, imported from Forraign places to this Kingdom, and out of the same, paying Inward-custom, shall be free of all Outward-custom, according as is used in *England and Ireland*. Likeas His Majesty Declares, that He consented to the Act above-written, upon this condition, that Commission and Warrant be granted to the Exchequer, to establish the Book of Rates, according as the prices of Merchandice now rules; and His Majesty permitted the option to the Burroughs, whereupon, the Burroughs having advised, they made choice to be ruled by the Book of Rates anent the Customs; and consented, that Commission should be granted to the Exchequer to establish the Book of Rates, according as the prices of Merchandice now rules. In respect whereof, Our Sovereign Lord
Ordains

Ordains a Commission to be drawn up to the Exchequer to the effect foresaid, and extracted thereupon, for establishing the Book of Rates according as the prices of Merchandice now rules: And therefore Our Sovereign Lord, with advice and consent foresaid, Ordains the Act above-mentioned to stand as a Law, in manner and to the effect above-rehearsed.

LVIII

Act in Favours of these who get their Ward- holding changed by the Kings Majesty.



He Estates of Parliament having taken to consideration, that some difficulty hath occurred in the prosecution of His *Majesties* Royal Fathers intention of changing of Ward-holdings in Few, for the well of His Subjects, conform to the two Commissions, granted by His said *Majesty* thereanent, under the Great Seal of this Kingdom; And that the said difficulty hath risen upon this ground, that diverse of His *Majesties* Subjects, holding Lands of His *Majesty* or of the Prince, Ward, or Few *cum maritagio*, holds also other Lands, of other Superiors, Ward, who whilst their Vassals held Lands Ward, or Few *cum maritagio*, of His *Majesty* or of the Prince, could pretend no right to the Marriage of the Vassals Heir; when the same shall be changed in Few, and Composition and a yearly Few-duty being granted to His *Majesty* or the Prince for the said Ward and Marriage, the other Superiors of the said Vassals, of whom he holds Ward, may contend for the benefit of the casualty of the Marriage of His Vassals Heir, when the same falls out, he being the Vassals eldest Superior of whom he holds Ward; which was grievous to the Vassals, who by this new course of changing of his holding, hath composed both for Ward and Marriage. Therefore it is Statute and Ordained, by the Kings *Majesty*, with advice and consent of His Estates of Parliament, That all Vassals, holding Ward of His *Majesty* or the Prince, or holding Few *cum maritagio*, who shall hereafter compone and agree with the Commissioners to be appointed by His *Majesty*, for changing of their Holdings, from Ward to Few, or for renunciation of the Marriage; contained in their Few-infeudments, their Heirs and Successors in the saids Lands, shall be free of the Marriage that can be acclaimed by their Superiors of the Lands holden by them of their saids other Superiors, Ward; and that the saids other Superiors, shall have no right to the Marriage of their Heirs, when the same falls out, no more then they would have had, if the Lands holden Ward of His *Majesty* or the Prince, had continued still Ward: but that the saids Vassals, whose holding shall be changed, or who shall compone for their Marriage, as said is, their Heirs and

and Successors, shall enjoy their Lands in all time thereafter, free of any such burthen of Marriage: Providing alwayes, Likeas it is hereby Provided and Declared, that if the foresaids Vassals whose holding shall be changed as said is, and who shall compone for the renunciation of the Marriage contained in their Few-infeftments, or their Heirs or Successors in the saids Lands which once held Ward, or Few *cum maritagio*, shall alienate and dispone the saids Lands to any other persons; then and in that case, the Alienar, or His Heirs, shall no longer have the benefit of this present Act; but that notwithstanding of this present Act, if they hold Lands Ward of any other Superior, that their Superior shall enjoy all the benefit of his Superiority, as if this present Act had never been made. And such-like, for the greater furtherance of His *Majesties* Lieges, in the way of the changing of the tenours of the said Ward-holdings, or renouncing of the Marriage contained in their saids Few-infeftments, Our Sovereign Lord, with advice and consent foresaid, Ordains Signaturs to be past to the Lieges by the Exchequer, on the recommendation of the saids Commissioners of the Ward-lands in their favours, upon the Lieges their Resignation for new Infeftments to be granted to them; bearing the new manner of Few-holding, or bearing the renunciation of the said Marriage contained in their old Few-infeftments, as shall be ordained by the saids Commissioners of the Ward-lands.

LIX.

Act anent the Exchequer.

THe Kings *Majesty*, considering that some doubts and debates may arise, concerning the meaning of the eighteenth Act of the Parliament, holden by His *Majesties* Royal Father of blessed memory, in the year one thousand six hundred and thirty three, *Anent the deciding and judging in Causes concerning His Majesties Property*; Doth for explanation thereof, with advice and consent of His Estates of Parliament, Find, Declare, Statute and Ordain, that the validity and invalidity of Infeftments of His *Majesties* Property, or of any other Infeftments, may not be discussed nor decided in Exchequer, neither by way of Exception, Action, nor Reply; but that the discussing and decision thereof, is only proper to the Lords of Session; Reserving alwayes to the Exchequer to judge in all other businesses concerning His *Majesties* Rents and Casualties, as they might have done before the year one thousand six hundred and thirty three.

LX.

Act concerning Docqueting of Signatures.

He Kings *Majesty*, with advice and consent of His Estates of Parliament, Doth Ratifie and Renew the twentieth Act of the tenth Parliament of King *James* the sixth, of blessed memory, and accordingly Statutes and Ordains, That no Signatures, Writs, Letters or Warrands shall be presented to be signed by His *Majesty*, but by His ordinary Officers, to whose charge the same property belongs. And that His *Majesty* may the better know what passeth under His Hand, and upon what grounds He signs the same, It is appointed, That any of His *Majesties* Officers, who shall present any Signature, Writ, Letter or Warrant to be signed by His *Majesty*, shall cause Registrare the Docquet of the same in a Register, and then send the just double thereof under their hands to His *Majesties* Secretary, who is to give His *Majesty* timely notice of any prior Deed, differing or contrary to the same, that His *Majesty* may give His further Orders concerning the same.

LXI.

Commission for Plantation of Kirks, and Valuation of Teinds.

Our Sovereign Lord, considering the great care His Royall Father and Grand-father, of ever blessed memory, had, at all times, of the Reformed Religion within this Kingdom, and of the Maintenance and Provision of the Ministry and Churches thereof; Concerning which, and for the publick good of the Nation, His *Majesties* Royall Father did emit a Declaration, immediatly after His succession to the Crown, and concerning diverse other particulars relating to Teinds and Superiorities of Kirk-lands: in order whereunto, diverse Acts and Ordinances of Parliament and of Commissions, were from time to time made, during the Reign of His ever Glorious Father; And yet, by the unhappy Troubles of the time, His Royall purpose hath not got a finall accomplishment, so that diverse Churches are as yet unprovided with sufficient Maintenance, many Teinds unvalued, and diverse other particulars are as yet unperfected; and His *Majesty* being desirous to prosecute this good Work, for the universal good of the People, and namely for the encouragement of the Ministers of the Gospel, His *Majesty*, with advice and consent of the Estates of Parliament,

ACT 61. King CHARLES the II. 1661. 107

liament, Doth Ratifie and Approve the nineteenth Act of the Parliament holden at *Edinburgh* by His Royall Father, in *Anno* one thousand six hundred and thirty three, Intituled, *Commission for Valuation of Teinds, &c.* in the whole Heads, Clauses and Contents thereof, except in so far as there hath been any derogation made thereto, by Acts and Commissions made and granted by His Majesty, since the date of the said Act, or granted by pretended Parliament since, and which are Ratified or Salved, or to be Reserved by this present Parliament. And His Majesty, with advice & consent foresaid, Doth give full Power and Commission to the Persons aftermentioned, viz. *John* Earl of *Middleton* His Majesty's Commissioner, *William* Earl of *Glencairn* Lord High Chancellor, *John* Earl of *Craufurd* and *Lindsay* Lord Thesaurer, *John* Earl of *Rothies* President of His Majesty's Privy Council, *William* Duke of *Hamilton*, *James* Marquess of *Montrose*, *John* Earl of *Lauderdaill* His Majesty's Secretary, *William* Earl of *Marshall*, *John* Earl of *Atholl*, *George* Earl of *Linlithgow*, *James* Earl of *Home*, *James* Earl of *Tullibardin*, *William* Earl of *Roxburgh*, *John* Earl of *Haddington*, *James* Earl of *Annandale*, *William* Earl of *Dumfries*, *John* Earl of *Tweeddale*, *James* Earl of *Calendar*, *John* Earl of *Dundee*, *David* Viscount of *Stormount*, *John* Lord *Sinclair*, *David* Lord *Cardros*, *John* Lord *Belhaven*, Lord *Halkertoun*, *William* Lord *Cochran*, *William* Lord *Bellenden*, Sir *John* *Gilmor* of *Craigmiller* President of the Session, Sir *Archibald* *Primerose* of *Chester* Knight and Barronet, Clerk of His Majesty's Council, Registers and Rolls, Sir *John* *Fletcher* His Majesty's Advocate, Sir *Robert* *Murray* Justice Clerk, Sir *James* *Lockhart* of *Lee*, Sir *George* *Mackenzie* of *Taibet*, Sir *James* *Foullis* of *Coldingtoun*, Sir *Archibald* *Stirling* of *Carden*, Sir *James* *Dalrymple* of *Stair*, Sir *John* *Stoogal* of *Whitekirk*, Senators of the Colledge of Justice, *Alexander* *Bruce* of *Kincairn*, Sir *John* *Urquhart* of *Cromartie*, Sir *Robert* *Fletcher* of *Salton*, Sir *Alexander* *Gibson* of *Durie*, Sir *Robert* *Innes* of that ilk, *James* *Crichton* of *St Leonards*, Sir *George* *Kinnaird* of *Rossie*, Sir *Gilbert* *Ramsay* of *Balmain*, *John* *Murray* of *Polmaise*, *William* *Scot* of *Ardris*, Sir *James* *Dundas* of *Arnestoun*, Sir *John* *Foullis* of *Ravilston*, *Richard* *Murray* of *Broughton*, Sir *Robert* *Hepburn* of *Keith*, Mr. *Robert* *Preston* of that ilk, Sir *Andrew* *Ramsay*, Sir *Robert* *Murray*, Sir *Archibald* *Sydsers*, Sir *William* *Thomson* and *John* *Milne* Burgessees of *Edinburgh*, Sir *Alexander* *Wedderburn* and *Alexander* *Wedderburn* of *Dundee*, Mr. *John* *Pateron* of *Perth*, *John* *Bell* of *Glasgow*, *William* *Cunningham* of *Ayr*, *Andrew* *Glen* of *Linlithgow*, *Duncan* *Nairn* of *Sirline*, *Alexander* *Bruce* of *Culross*, *Andrew* *Carrstair* of *St. Andrews*, and *William* *Seaton* of *Haddington*, Burgessees: Or any thirteen of them, there being alwayes present three Noblemen, three Gentlemen, and three Burgessees, with His Majesty's Commissioner, the Lord Chancellor, Lord Thesaurer, Lord President of the Council, Lord Privy Seal, the Lord Secretary, or any one of them, with power to them, or *Quorum* foresaid, to meet and convene at *Edinburgh*, or such other place or places, at such times and diets as they shall appoint, to value and cause value whatsoever Teinds, great

or small, Personage or Vicarage, of whatsoever Lands and others within this Kingdom liable to the payment of Teinds of whatsoever nature or quality the same be of which are yet unvalued. Providing the Ministers serving the Cure, who do lead Teinds, be secured of good and thankfull payment of so much victuall or money answerable to the worth of the saids Teinds, as the Teinds shall be valued to. And also with power to them to receive reports from Sub-commissioners, and to appoint Sub-commissioners conform to the former Acts and Commissions, to appoint constant and locall Stipends, and grant Augmentations, to dis-joyn too large and spacious Kirks, build and erect new Kirks, dis-member, annex and unite Kirks, and to take order that every Heritor and Life-renter shall have the leading and buying of their own Teinds, if they be willing, according to the Rates prescribed by former Commissions, namely by the foresaid Commission granted by His Majesty, with consent of the Estates of Parliament, in Anno one thousand six hundred thirty and three. And with power to the saids Commissioners or *Quorum* foresaid, to give recompence to Parties for the augmentation of Stipends to be imposed by this Commission, in the same way as was done by former Commissions, namely by the Commission in Anno one thousand six hundred and seventeen. With power to them to determine all Questions concerning the Prices of Teinds betwixt Titulars and others having right to the Teinds, and the Heritors: And to appoint such securities in favours of the Titulars and others having right, by the Heritors payers of the valued Duties or buyers of the saids Teinds, and in favours of the Ministers as to their maintenance, as the saids Commissioners shall think fitting, according to the Rules set down in the saids former Acts, namely in the said Act, in Anno one thousand six hundred thirty and three. And suchlike, with power to them to appoint and provide for such other pious uses in each Paroch as the estate thereof may bear. Declaring, that where the Vicarage of any Paroch is a severall Benefice and Title from the Personage, the same shall be severally, valued, to the effect the Titulars or Ministers serving the Cure, having right to the said Vicarage, be not frustrate of the true worth thereof. It is alwayes Declared, That Ministers serving the Cure, who now lead their Teinds, And that Colleges, Schools and Hospitals be not constrain'd to sell, set nor dispoſe their Teinds in prejudice of their Successors, notwithstanding of the valuation thereof; And that Titulars and others having right to Teinds, shall not be forced to dispoſe any Teinds valued or to be valued, which they shall be content and willing to assign and dispoſe to the Ministers serving the Cure of the Paroch, as a part of his Provision. And His Majesty, with consent foresaid, Declares, That where Valuations are lawfully led against all parties having interest, and allowed by former Commissions, according to the order observed by them, that the same shall not be drawn in question, nor rectified upon the pretence of enormiſion, at the instance of the Minister, not being Titular, or at the instance of His Majesties Advocat, for and in respect of His Majesties Amour: Except it be proved that collusion was used betwixt the Titulars and Heritor,

ACT 61. King CHARLES the II. 1661. 109

Heritor, or betwixt the Procurator-fiscall and Heritors and Titular; which collusion is Declared to be where the Valuations are led with the diminution of a third of the just Rent, and which diminution shall be proved by the Parties Oaths. And albeit that all the Acts of the pretended Parliaments, in the years one thousand six hundred and forty, and one thousand six hundred forty and one, and since; are Declared by an Act of this present Parliament, null and of none avail in all time coming; Yet it is hereby Declared, That all and whatsoever Valuations, Acts, Sentences and Decrees, done, concluded and decerned by vertue of any Commissions granted by the saids pretended Parliaments, with all execution used or to be used thereupon, are and shall stand valid in all time coming, notwithstanding of the foresaid Act Rescissory; And this for the good and ease of the People, and for encouragement of the Ministers of the Gospel, whereunto His Majesty hath alwayes a tender respect. And although by a speciall Act of this present Parliament, the pretended Parliament holden in Anno one thousand six hundred and forty nine, and in the beginning of the year one thousand six hundred and fifty, is from the beginning Declared void and null, and all that hath followed thereon; Yet nevertheless His Majesty Doth, with advice foresaid, Authorize all Valuations, Acts, Decrees and Sentences led, deduced and pronounced by the Commissions one or moe appointed by the said pretended Parliament, for Plantation of Kirks and Valuation of Teinds, and all execution competent thereupon; Excepting such Decrees and Sentences given in favours of Ministers for their Stipends, or for dividing, uniting, annexing or building of Kirks, which shall be found to have been unjustly or exorbitantly decerned: The Determination whereof is hereby referred by His Majesty, with consent foresaid, to the saids Commissioners, that they after hearing of parties, and consideration of particulars, may take such course for altering, annulling or allowing of the saids Acts, Decrees and Sentences, as they shall think fitting, conform to the Laws, Practique and Custom observed preceeding the year one thousand six hundred and forty nine: and Ordains Processe upon Supplications to be summarly granted, parties alwayes being cited, and that without any reduction. And it shall be lawfull to the saids Commissioners or Quorum foresaid, to proceed in all Summons and Actions to be intended for that effect, within the space of two years after the first down-sitting of the Commission. As also, with Power to the saids Commissioners, upon the dependance of the saids Complaints and Processees to discharge execution upon the foresaid Decrees, in whole or in part, as they shall find just, ay and while the matter be determined by them. As also in respect that by diverse Decrees pronounced by the saids Commissioners appointed by the said Commission, in Anno one thousand six hundred and forty nine, the burden of an Augmentation was put upon diverse Tack-men of Teinds, and yet no recompence was made to them by prorogating of the saids Tacks; In regard also that diverse Registers of Commissions, preceeding the Year one thousand six hundred and forty

fourty nine, are lost, whereby Prorogations were granted in favours of Tackf-men, and the Extracts also perished the time of the Troubles: Therefore His *Majesty*, with consent foresaid, Gives power to the saids Commissioners, or *Quorum* foresaid, appointed by this Commission, to grant recompence and prorogation to the saids Tackf-men, in the same manner as was prescribed by the former Commissions, namely by the Commission in *Anno* one thousand six hundred and seventecn, the Titulars alwayes being cited thereto. And whereas it may fall out, that some of the saids Commissioners now appointed, may be unable to attend the service, through death, sickness, or some other notour and known impediment. Therefore His *Majesty* Declareth, that He shall be carefull to fill their places with other persons qualified, whose Oaths for faithfull discharge of the same, shall be taken by the Lord Chancellor, or in his absence, by the President of the said Commission for the time: And Ordains this present Commission to endure ay and while the same be discharged by His *Majesty*, and Ordains the Acts, Decretes and Ordinances thereof, to have the force, strength and effect of a Decreet, Sentence and Act of Parliament; and the Lords of the Session to grant and direct Letters of Horning, Poinding and others requisit, in manner contained in the foresaids former Commissions. And considering that it was the will and pleasure of His *Majesties* Royal Father, that all Heritors who should be willing to buy, should have their own Teinds at reasonable Rates; Therefore His *Majesty*, with advice foresaid, Statutes and Ordains, that all Heritors whose Teinds are not valued, shall have liberty to value and buy the same at such Rates as are contained in the Act of Parliament one thousand six hundred and thirty three years. With power to augment the saids Rates according to the burden of Augmentations and others sustained by the Titulars, since the said Act of Parliament one thousand six hundred and thirty three years, and the saids Heritors to have the liberty of buying, as said is, within the space of three years after the valuation. With power to the saids Commissioners to determine therein according to Justice; with this Declaration alwayes, That in case the impediment during the space foresaid, flow from the Titular, by reason of his minority or other inability, in that case, the Heritor who offered himself ready to buy his own Teind within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, notwithstanding of the expiring of the years and space above-exprest. And it is Declared, that if the Heritor be Minor, and his Tutors neglect the buying of his Teinds within the foresaid space, the Minor shall have Action for two years after his minority, to compell the Titular for selling of the saids Teinds.

L XII.

*ACT for ordering the payment of Debts, betwixt
Creditor and Debitor.*



Our Sovereign Lord, considering how necessary and essential it is to the very being and flourishing of Kingdoms and Nations, that there should be a National confidence among the people themselves, and with these of other Nations with whom they have correspondence and traffick abroad; and that the most effectual and proper way to beget, cement, and maintain the same, is, that Promises, Pactions, Obliegements and Debts be faithfully performed and satisfied, without which there can be no trust, and consequently no society, intercourse and commerce at home, and all Trade and Traffick with other Nations will certainly decay and cease, to the irreparable loss, ruine and discredit of the Nation: Yet, the troubles and difficulties of the time being so great, that it is fit some breathing time and encouragement should be given to the Debtors, for the better enabling them to keep their credit, and to take some effectual course for payment of their Debts. Therefore His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That for all Sums and Debts contracted before the tearm of Whitsunday, one thousand six hundred and fifty eight years, and exceeding one thousand pounds *Scots* of principal, personal execution shall be forborne for the space of six years; to begin at Whitsunday last by-past, in this instant year, one thousand six hundred and sixty one; Providing that the Debtors make payment of one years Annualrent at Candlemas next, in the year one thousand six hundred and sixty two, and that the residue of the by-gone Annualrents of the said Sums, resting unpaid at Whitsunday next, shall become and be made a principal Sum, and the Debitor shall give security for the same to these who have right to the by-gone Annualrents, when they take the benefit of the foresaid forbearance; in manner after-mentioned; or at any other time that the same shall be demanded: which Security to be granted for the said by-gone Annualrents, made up in a principal Sum, shall bear obliegement to pay Annualrent for the same, in manner and from the tearms after-specified, *viz.* For a third part thereof, from Whitsunday next, one thousand six hundred and sixty two years; and for an other third part, from Martimes there-after, in the said year; and for the last third part, from Whitsunday, in the year one thousand six hundred and sixty three, during the not payment of the said principal Sum so made up, for which, personal execution is to be forborne, as for the other principal Sums, by the space aforesaid of six years after Whitsunday last. And without prejudice of the Security to be granted in manner foresaid, It is also Declared and Ordained, that the said by-gone Annualrents, are made up;

up, and shall be holden and esteemed principall Sums ; And that Annualrents shall be due and payable for the same from the tearms and in manner foresaid, and that execution shall follow at the instance of those who have right to the same, upon and by vertue of their Bonds, Contracts and Rights, and of this present Act and Ordinance, in the same manner as if a new security were already granted in manner and of the tenour above-written.

And notwithstanding of the Premisses, It is hereby declared, that the Lords of Session shall have power to grant and pass Suspensions for Sums not exceeding one thousand pounds, upon such reasons as they shall think just.

And where those who have right to by-gone Annualrents are only Liferenters, and have no right to the stock and principall Sum, It is Ordained, that it shall be lawfull to them to use execution for the whole by-gone Annualrents due to them, as they might have done before the making of these Presents ; and that the saids Lords of Session shall have power to grant and pass Suspensions against the saids Liferenters, in case they shall find just grounds and cause for granting of the same.

It is likeways Provided, that the benefit of the said forbearance, shall only be granted and competent to such Debtors, as shall pay the said years Annualrent, within the time foresaid, and shall betwixt and the first day of *November*, compear before any of the Lords of Session with the Clerk, and declare before them upon Oath, that their Debts exceeds the value of four years Rent of their Estate, pertaining to, and posselt by, them : which Declaration, extracted under the hand of the Clerk of Register, or his Deputies, shall be a sufficient Security against Personal execution : And for which Extraction, the Clerk Register and his Deputies shall have for their Fees the sum of thirty three shillings four pennies *Scots*, and no more. And it is Declared, that all persons, who shall not by themselves, or their Tutors or Curators, appear and declare within the time, and in manner foresaid, shall be excluded from the benefit of the foresaid forbearance, and shall never be reponed or admitted thereafter, upon any pretext whatsoever.

And the benefit of the foresaid forbearance being granted to the Debtors, or any of their Cautioners, upon the compearance and declaration foresaid, shall onely be personall for them and their Heirs and others representing them, and shall not be extended to those who are bound with them, and lyable to the saids Debts, unless they also compear and declare, and their own proper Debts and Cautionry for persons who have taken the benefit of this Act, exceeds the value of four years Rent of their Estate, and that within the time and in manner foresaid.

And for the more ease of the Debtors, It is Ordained, that in case within the time of the forbearance foresaid, the Debtor shall offer to the Creditor a part of his Debt, not beneath or within the third part of the whole Sums due by him to the Creditor for the time, the Creditor in that case, shall be holden to accept of the said partiall
paiment

payment: and in case of his refusal, offer being made of a part of the said Sums, not within the proportion foresaid, in presence of a Notar and Witnesses, the Debitor, upon consignation of the same in the hands of the Clerk of the Bills, shall be free of the Annualrent of that part of the said Sum that shall be consigned, in all time coming after the consignation foresaid.

And whereas the legall reversion of Comprisings was formerly limited to seven years, His Majesty, for the reasons and with consent foresaid, is graciously pleased to extend the same to ten years in all time coming; and Statutes and Ordains, that all Comprisings already deduced, and whereof the legall reversion is not yet expired, or which shall be deduced any time hereafter, shall be redeemable within the space of ten years after the date of the same; and all Comprisings deduced since *January*, one thousand six hundred and fifty two years, and whereof the legalls are expired, and all Comprisings deduced before the said moneth of *January*, one thousand six hundred and fifty two years, and which were not expired before the said moneth of *January*, one thousand six hundred and fifty two years, shall be redeemable within the space of three years, after Whit Sunday now last by-past, notwithstanding the legall reversions of the same be now expired.

And in case the Lands and others comprised, exceed in yearly Rent and value, the Annualrent of the Sums contained in the saids Comprisings, and of the expence disbursed in obtaining Inseiments thereupon, and the Debitor shall desire the Creditor to possesse the Lands and others comprised, it shall be lawfull to the Lords of Session, likewise the saids Lords are hereby impowered and authorized, upon a Supplication to be made to them by the Debitor, and Citation of the Comprisers, to appoint the Apprisers to possesse such of the saids Lands and others, during the legall reversion as the saids Lords of Session shall think just and reasonable; the saids Debtors alwayes giving possession to those who have right to the saids Comprisings, and ratifying their possession already apprehended by them (if any such possession they have) of such of the saids Lands and others as the saids Lords of the Session shall appoint, not being beneath in yearly Rent and value of the Annualrents above-mentioned; or otherways giving to the Creditors (whether they have possession or not) sufficient security, at the sight of the saids Lords, for payment of the saids Annualrents, during the time foresaid; the saids Lords of Session having alwayes power to determine, whether in the cases foresaid the Debitor shall give Surety to the Creditor for his Annualrents, or the Debitor not being able to give Surety, the Creditor shall be obliged to take possession of the Debtors Lands. And if the Lords of Session shall appoint, in the case foresaid, the Creditor to be posses for his Annualrent, then, and in that case, the Debitor shall be holden to deliver the Evidents of the saids Lands to the Creditor, or transumps thereof; providing alwayes, that the Creditors right, by vertue of the saids Comprisings, be no wayes prejudged after the expiring of the same: And that the whole Lands and others,

both such as shall be possessed by the Debitor, and the remanent of the Lands and others contained in the saids Comprisings, shall pertain to the Creditor irredeemably.

And because oftentimes Creditors, in regard they live at distance, or upon other occasions, are prejudged and prevented by the more timeous diligence of other Creditors, so that before they can know the condition of the common Debitor, his Estate is comprised, and the posterior Comprisers have only right to the legal reversion, which may, and doth often prove ineffectual to them, not being able to satisfie and redeem the prior Comprisings (their means and money being in the hands of the common Debitor) Therefore it is Statute and Ordained, That all Comprisings, deduced since the first day of *January*, one thousand six hundred and fifty two years, before the first effectual Comprising or after, but within year and day of the same, shall come in *pari passu* together, as if one Comprising had been deduced and obtained for the whole respective Sums, contained in the foresaids Comprisings. And it is Declared, that such Comprisings as are preferable to all others in respect of the first real Right and Infeftment following thereupon, or the first exact diligence for obtaining the same, are and shall be holden the first effectuall Comprising, though there be others in date before and anterior to the same, and the foresaid benefit given and introduced hereby, in favours of these whose Comprisings are led within the time, and in manner foresaid, is only granted and competent in the case of Comprisings, led since the first day of *January*, one thousand six hundred and fifty two years, and to be led after the date of thir presents, and for personal Debt only, without prejudice alwayes of ground Annuals, Annualrents due upon Infeftment, and other real Debts, and *Debita fundi*, and of Comprisings therefore of Lands and others affected therewith, which shall be effectual and preferable according to the Laws and Practick of this Kingdom now standing; And it is also provided, that the Creditors, having right to the first Comprising, except as is above excepted, shall be satisfied by the posterior Comprisers, claiming the benefit foresaid, of the whole expence disbursed by them, in deducing and expeding the said first Comprising and Infeftments thereupon.

And further, for obviating the frequent and fraudfull practice of the appearand Heirs of Debtors, who are in use to acquire the right of expired Comprisings, and by vertue thereof, to enjoy and possess their Predecessors Lands and Estate, to the prejudice and defrauding of the posterior Comprisings and other Creditors, It is Statute, that in case the appearand Heir of any Debitor, or any other confident person to his behoof, shall at any time hereafter acquire the right of an expired Comprising, already deduced, or which shall be led and deduced hereafter, the said right shall be redeemable from the appearand Heir, or the said confident person their Heirs and Successors within the space of ten years, after the acquiring of the said right, by the posterior Comprisers, upon payment allanerly of the Sums truly paid and given out, for buying and acquiring the saids rights, at the least

Act 62. King CHARLES the II. 1661. 115

least so much thereof as shall be resting unsatisfied for the same, by the intromission of the appearand Heir, or of the said confident person, or their forefairs.

And His Majesty, with consent foresaid, doth Declare, That the benefit foresaid introduced hereby anent Comprisings, shall be extended to Adjudications for Debt; so that the Creditors, at whose instance the same are obtained, and those who have right to redeem the same, shall be in the same case as to the benefit foresaid, as if the said Adjudications for Debts were Comprisings.

And in case a Creditor, against whom the benefit of the foresaid forbearance for six years shall be taken, or who hath led or shall lead a Comprising against the Debitor, shall think fit, and be willing, and desirous to take His Debtors Lands, or other Estate, or any part thereof for security or payment, and in satisfaction of his Debt, then, and in either of these cases, the Debitor shall be holden to give Security out of his Lands, and other Estate, or to sell the same to the Creditor, at the sight of the Lords of Session, with such warrandize, and at such rates and prices (if the Creditor be content to buy) as they shall appoint; with certification, that otherwayes the Debitor, refusing or failing, shall lose and forfeit all benefit introduced in favours of the Debtors by this present Act, as if it had never been made.

And in regard some persons may have taken advantage of the late times and troubles, by taking and acquiring of proper Wodsets of Lands and others, exceeding the Annualrent of the Sums lent upon the same; and providing nevertheless, by the right of the foresaid Wodsets and exprels provision therein, or by writ a part, that they should not be lyable to any hazard of the Fruits, Tennants, War or Troubles; His Majesty, with consent foresaid, Statutes and Ordains, that all such Wodsets, granted since the year one thousand six hundred and fourty nine, shall be restricted to the ordinary Annualrent of the Sums whereupon the same are redeemable; and the saids Wodsetters shall be countable for the *superplus* of the Mails and Duties and other benefit of the same, exceeding the Annualrent of the saids Sums, and the same shall be imputed and ascribed, in satisfaction of the said principall Sums *pro tanto*: And in case any such Bargains and Rights shall be made and acquired hereafter, His Majesty, with consent foresaid, Declares the same unlawfull and usury, and the Contraveeners, shall be punished severely as Usurers, conform to the Laws and Acts of Parliament against Ockerers and Usurers.

And as to proper Wodsets, granted since the time foresaid, where the Creditor undergoes the saids hazards, and the same are affected with the ordinar provisions and clauses irritant, in case of not payment of the Sums given out and due upon the saids Wodsets, at the tearmes and in manner mentioned in the saids Rights: albeit the saids Wodsets and Provisions be lawfull; yet His Majesty, considering and having respect to the difficulties of the times, Statutes and Ordains, with consent foresaid, That the saids Clauses irritant, shall not take away the Heritors right, they alwayes redeeming within the space of five years after Whitsunday last: And in case the Debtors conceive, that

they have disadvantage by the said proper Wodsets, and shall desire to redeem the same, it shall be lawfull to them to redeem at any term of Whitsunday or Martimes they please, notwithstanding of any provision to the contrair in the said Wodset-rights, or any other right a part suspending the redemption thereof. Likeas it is Declared, That the Clauses of requisition contained in proper Wodsets, granted since the year one thousand six hundred fourty nine years, shall be effectual and no wayes suspended nor prejudged hereby; But prejudice alwayes to the forbearance of personal execution in manner above-written. And where the Creditors and Wodsetters have transacted with their Debtors, and have acquired irredeemable rights, for, and in place of, their former Wodsets, It is Ordained and Declared, That when, and at what time soever the saids Wodsets were granted, whether before or since the year one thousand six hundred and fifty years, the saids transactions and irredeemable rights acquired by the Creditor for the same, are and shall be valid and effectual, and shall no wayes be prejudged by these presents.

And further, His *Majesty*, with consent foresaid, doth Declare, That in case any Debtors have by voluntar agreement betwixt them and their Creditors, or any of them renounced the benefit of any Acts of this nature, concerning Debitor and Creditor, made or to be made, the said agreement shall of be force and effectual, and shall not be prejudged hereby, without prejudice alwayes to the said Debitor of the prorogation foresaid of the legal reversions of Comprisings led and deduced against them, and not as yet expired, notwithstanding of the agreement and renounciation foresaid.

And because, before the year one thousand six hundred and fifty, when money past at eight or ten *per cent.* diverse proper Wodsets were then made and granted, and are yet unredeemed; and since the beginning of *January*, one thousand six hundred and fifty, there be divers persons, who taking advantage of the times, refused to lend their money, unless they got proper Wodsets of Lands and Teinds, at extraordinary advantages, to the heavy prejudice of the Debtors: Therefore, His *Majesty*, with advice foresaid, Statutes and Ordains, That in time coming, during the not requisition of the Sums whereupon the saids Wodsets are redeemable, and during the not redemption of the same respectively, if the Debitor shall give sufficient Security to the Wodsetter for payment of his Annualrent, during the not redemption, or not requisition, as said is; In that case, the Creditor-wodsetter, shall be holden to renounce and quit his possession of the saids Lands and Teinds, in favours of the Debitor and others having right from him; at least if the Wodsetter shall be content to retain the possession of the same; In that case all the free Profits and Rents, which he shall have or uplift out of the saids Lands, shall be restricted to six *per cent.* yearly of free money, and the Wodsetter shall be countable to the Debitor or others having right from him, for the *superplus*; and that without prejudice of the Wodsetters real Right and Infeftment, ay and while the Lands be redeemed, and the principall Sum whereupon the same is redeemable

ACT 62. King CHARLES the II. 1661. 117

able shall be satisfied. It is alwayes provided, that where any Creditor hath had losse by his possession of the Wodset-lands and others since the date of his Wodset, So that he hath not received as much free Rent as, *communibus annis*, hath extended to the Annualrent allowed by Law for the time, all charges and burdens being deduced; in that case, it is provided that the Wodsetter shall be first satisfied of what he wants before he quit his possession of the said Wodset-lands, or be holden to accept Security for his Annualrents: And it is Declared, that in the account of the Wodsetter's by-gone losse, there shall be allowed what he hath disbursed upon reparation and building of Tennents houses, Milnes, and for the advantage of the ground; and generally all other expence which the Wodsetter was put to, and what losse he sustained in reference to the said Wodset-lands, Rights and Securities thereof, any manner of way; and what he hath lost by Quarterings, Cesse, waste Land, depauperated Tennents, or by Tennents who were or are not able to pay, unlesse the ground should be casten waste: And because the Wodsetters probation of his saids losse may be difficile, he not conceiving that there should be necessity for any such count, or that there should be any alteration made in the right and possession of his proper Wodset, Therefore His Majesty, with advice foresaid, doth allow the Lords of Session to take such reasonable probation as in equiry they shall think fit: And if there be any deficiency, to take the Wodsetters Oath in supplement; and where the Wodsetter is in natural possession of the VVodset-lands, by dwelling thereon or labouring the same with his own Plough and Goods, or otherwayes, having the same plished with his saids Goods, in that case, he shall not be holden to remove from his said possession, but at the ordinary term of removing, and that he be lawfully warned forty dayes before, and after sufficient Security shall be made to him, in manner above specified, before the said warning.

And His Majesty having granted so much favour, benefit and indulgence to Debtors, as the like cannot be shown to have been granted at any time in this Kingdom, doth Declare, Statute and Ordain, That the Laws and Practick of the Kingdom concerning Debts and paiment thereof and diligence and execution for the same, and concerning proper VVodsets, where the Creditor-wodsetter hath the hazard of Fruits, Tennents, VVar and others, shall be observed inviolably, and be of full force, vigor and effect in all time coming, excepting so far as the same is altered, innovat and repealed by this present Act.

At

LXIII.

Act Salvo jure cuiuslibet.

Our Sovereign Lord, taking to consideration, that there be many Acts of Ratification and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged. Therefore His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts, and Acts of Ratification, past in manner foresaid, shall not prejudice any third party of their lawfull rights, nor of their actions and defences competent thereupon before the making of the saids particular Acts, and Acts of Ratifications; and that the Lords of Session and all other judges within this Kingdom, shall be obliged to judge betwixt parties according to their severall rights, standing in their persons before the making of the saids Acts. All which are hereby exponed and declared to have been made, *Salvo jure cuiuslibet.*

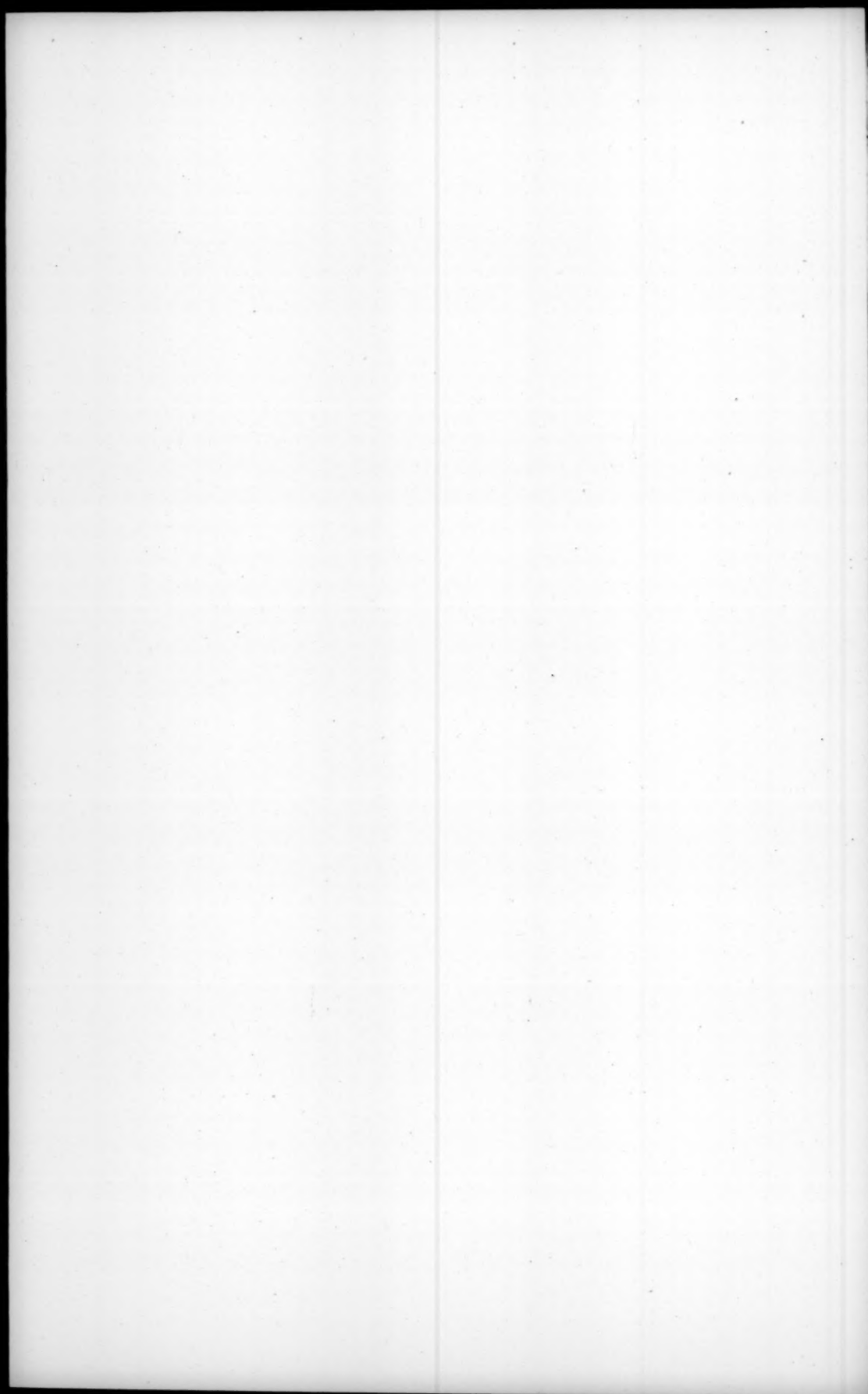
LXIV.

Act of Adjournment.


He Kings Majesty Declares this Parliament current, and Adjourns the same to the twelfth day of March next to come; Ordaining all Members of Parliament, Noble-men, Commissioners of Shires and Burghs, and all others having interest, to attend that day; and that there be no new Elections in Shires or Burghs, except upon the death of any of the present Commissioners.

A. Primerose, *Chs. Reg.*

A



A TABLE of the Printed ACTS.

	Page
1.  Act concerning the President, and Oath of Parliament.	3.
2. Act and Acknowledgment of His Majesties Prerogative, in the choice of His Officers of State, Counsellors and Judges.	4.
3. Act asserting His Majesties Royall Prerogative, in the calling and dissolving of Parliaments, and making of Laws.	5.
4. Act asserting His Majesties Royall Prerogative, in the making of Leagues, and the Conventions of the Subjects.	6.
5. Act asserting His Majesties Royall Prerogative, in the Militia, and in making Peace and War, &c.	7.
6. Act annulling the pretended Convention of Estates, kept in the year, 1643.	8.
7. Act concerning the League and Covenant, and discharging the renewing thereof, without His Majesties Warrant and Approbation. <i>ibid.</i>	
8. Act against Papists, Priests and Jesuits.	9.
9. Act approving the Engagement, 1648. and annulling the pretended Parliaments and Committees kept thereafter.	11.
10. Act condemning the Transactions concerning the Kings Majesty, whilst He was at Newcastle in the years 1646, and 1647.	15.
11. Act for taking the Oath of Allegiance, and asserting the Royall Prerogative.	17.
12. Act concerning the Judicial Proceedings in the time of the late Usurpers.	19.
13. Act and Offer of Fourty thousand pounds Sterling, to be paid to the Kings Majesty yearly during His life-time, by this Kingdom.	21.
14. Act for raising the Annuity of Fourty thousand pounds Sterling, granted to His Majesty.	22.
15. Act Rescinding and Annulling the pretended Parliaments, in the years, 1640, 1641, &c.	37.
16. Act concerning Religion, and Church-Government.	40.
17. Act for a Solemn Anniversary Thanksgiving, for His Majesties Restauration to the Royall Government of His Kingdoms.	41.
18. Act for the due observation of the Sabbath-day.	42.
19. Act against Swearing and excessive Drinking.	43.
20. Act against Cursing and Beating of Parents.	44.
21. Act against the crime of Blasphemy.	<i>ibid.</i>
22. Act concerning the severall degrees of casuall Homicide.	45.
23. Act Ratifying the Priviledges of the Colledge of Justice.	<i>ibid.</i>
24. Act concerning appear and Heirs, their payment of their Predecessors and their own Debts.	46.
25. Act for Denouncing of Excommunicate Persons.	47.
26. Act appointing the Pursuer of the Thief, to have the Goods stolen from him, restored.	48.
27. Act for the Pardon of Penall Statutes.	<i>ibid.</i>
28. Act discharging the Quots of Testaments.	49.
29. Act for Poynding upon Sheriffs and Commissars Decrees.	<i>ibid.</i>
	30. Act.

A TABLE of the Printed ACTS.

		Page.
30.	Act anent the Fewers and Vassals of Kirk-lands.	50.
31.	Act concerning the Registration of Comprisings.	51.
32.	Act concerning Heretable and Moveable Bonds.	52.
33.	Act for the right Packing of Salmond.	ibid.
34.	Act against Clandestine and unlawfull Marriages.	53.
35.	Act concerning the Election and Charges of the Commissioners from Shires to the Parliament.	55.
36.	Act anent Presentation of Ministers.	56.
37.	Act concerning the Bullion.	57.
38.	Commission and Instructions to the Justices of Peace and Constables.	65.
39.	Act for the Fishings, and erecting of Companies for promoting of the same.	79.
40.	Act for erecting of Manufacturies.	83.
41.	Act for Planting and Inclosing of Ground.	85.
42.	Act establishing Companies and Societies, for making Linnen-cloath, Stuffs, &c.	87.
43.	Act discharging the Exportation of Linnen-yarn, and regulating the breadth of Linnen-cloath, &c.	89.
44.	Act for encouraging of Shipping and Navigation.	90.
45.	Act discharging the Exportation of Skins, Hides, &c.	93.
46.	Act discharging the Exportation of Wollen-yarn, Worstead, broken Cotton, and Wool, &c.	94.
47.	Act discharging Tradesmen to Import Made-work.	ibid.
48.	Act for encouraging of Soap works.	95.
49.	Act Reducing the Annuals to Six for the Hundred.	ibid.
50.	Act and Offer of Twelve thousand pounds Sterling to the Lords of Session.	96.
51.	Act concerning Arrestments.	97.
52.	Act concerning the disposall of Vacant Stipends.	ibid.
53.	Act Ratifying the Act of Parliament, 1633, anent the Annexation of His Majesties Property.	98.
54.	Act in favours of Laick Patrons of Provostries, Prebendaries, Chaplains and Alsarages.	100.
55.	Act anent Cocquets and Entries of Ships.	102.
56.	Act anent Coal-bewers.	ibid.
57.	Act discharging the Custom of two and an half of the hundred, and the Impost of four pounds on the Tun.	103.
58.	Act in favours of those who get their Ward-holding changed by the Kings Majesty.	104.
59.	Act anent the Exchequer.	105.
60.	Act concerning Docqueting of Signatures.	106.
61.	Commission for Plantation of Kirks and Valuation of Tiths.	ibid.
62.	Act for ordering the payment of Debts betwixt Creditor and Debtor.	111.
63.	Act Salvo jure cujuslibet.	118.
64.	Act of Adjournment.	ibid.

F I N I S.

